



FREEDOM OF INFORMATION AND PRIVACY ACTS

SUBJECT: Roy M. Cohn

FILE NUMBER: 58-5100

PART: 16 of 23



FEDERAL BUREAU OF INVESTIGATION

SUBJECT Ray M. Cohn
FILE NUMBER 58-5100
SECTION NUMBER Sub A Vol 1

Tolson ☒
 Belmont ☒
 Mohr ☒
 Casper ☐
 Callahan ☐
 Conrad ☒
 DeLoach ☒
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NEW YORK, N.Y.

UPI-227

(PASTERNAK)

NEW YORK--IRVING PASTERNAK, TERMED A PRIME MOVER IN DEFRAUDING THE PUBLIC OUT OF \$5 MILLION IN THE SALE OF UNITED DYE AND CHEMICAL CO. STOCK, WAS GIVEN A TWO AND ONE-HALF YEAR JAIL TERM AND FINED \$50,000 TODAY IN FEDERAL COURT.

THE 48-YEAR-OLD PASTERNAK PLEADED GUILTY FOUR MONTHS AFTER THE TRIAL STARTED IN FEBRUARY 1962. THE TRIAL LASTED ALMOST A YEAR.

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File

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Roy M. Cohn

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ADD COHN, NEW YORK

COHN, IN A PRESS RELEASE, SAID THE INDICTMENT RESULTED FROM THE WORK OF Vengeful and Frustrated Men" who had carried on a two-year campaign of slander and harassment against him. He said he welcomed having the charge made public and would prove its falsity and expose "a rank misuse of the machinery of justice for personal revenge and retaliation."

HE ACCUSED U.S. ATTORNEY ROBERT MORGENTHAU "AND COMPANY" OF HEADING THE "VENDETTA" AGAINST HIM.

IF CONVICTED ON ALL 10 COUNTS OF THE INDICTMENT, COHN COULD RECEIVE A MAXIMUM PRISON SENTENCE OF 40 YEARS AND A \$36,000 FINE. COHN AND GOTTESMAN WILL APPEAR SEPT. 11 BEFORE FEDERAL JUDGE WILLIAM B. HERLANDS.

THE INDICTMENT SAID COHN ATTEMPTED TO INDUCE HIS ONETIME BUSINESS PARTNER IN BOXING PROMOTION, WILLIAM D. FUGAZY, TO GIVE FALSE TESTIMONY TO THE 1959 GRAND JURY. COHN AND FUGAZY PROMOTED THE PATTERSON-JOHANSSON WORLD HEAVYWEIGHT TITLE FIGHTS IN NEW YORK IN 1960 AND 1961.

THE 1959 GRAND JURY INVESTIGATING THE UNITED DYE AND CHEMICAL CO. FAILED TO INDICT, ALTHOUGH THE SECURITIES AND EXCHANGE COMMISSION RECOMMENDED FEDERAL PROSECUTION OF SAMUEL GARFIELD AND IRVING PASTERNAK, BOTH CLOSELY IDENTIFIED WITH NEVADA GAMBLING INTERESTS, ALLARD ROEN, OF LAS VEGAS, AND ALLEN K. SWANN. THESE FOUR WERE INDICTED BY A 1961 GRAND JURY AND A 1962 GRAND JURY UNDERTOOK AN INVESTIGATION OF THE 1959 JURY'S FAILURE TO INDICT.

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191 SEP 11 1963

WASHINGTON CAPITAL NEWS SERVICE

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 Holmes ☒
 Gandy ☒

Roy Cohn Is Indicted On Perjury Charges

NEW YORK, Sept. 4 (AP) — Roy M. Cohn was indicted today by a Federal grand jury which accused him of perjury and conspiring to obstruct justice.

Indicted with Mr. Cohn, an aide to the late Senator Joseph McCarthy and a former assistant United States attorney, was Murray E. Gottesman, a Manhattan attorney.

Both were accused of giving false testimony before the grand jury.

United States Attorney Robert M. Morgenthau said the grand jury was investigating whether there had been a conspiracy to bribe any public official and obstruct justice in connection with a 1959 investigation of the United Dye stock fraud.

The 10-count indictment was handed up by a grand jury which had been sitting since March, 1962.

After stepping into the national limelight with the McCarthy-Army Senate hearings, Mr. Cohn began to build a business empire. In the course of this, he was closely associated with Paul Hughes, indicted as a co-conspirator in the United Dye case. Mr. Cohn loaned Hughes \$218,000



ROY COHN

—AP Photo.

to buy stock in the Lionel Corp., of which Mr. Cohn was chairman.

The indictment said that in February, 1959, the Securities and Exchange Commission recommended to the United States attorney's office in Manhattan that a grand jury study the manipulations of the common stock of United Dye & Chemical Corp.

\$5 Million Fraud

The SEC report recommended that an indictment be sought against several persons. The case, a \$5 million fraud, ultimately resulted in the longest Federal criminal trial in history, lasting just 23 days short of a year.

In the opening week of the trial, the Government charged that the late Senator George Bender, Republican of Ohio, took a \$100,000 bribe in a vain attempt to kill a Federal investigation of the stock deals. Senator Bender was special assistant to the Secretary of the Interior in the Eisenhower cabinet at the time of the alleged bribe.

Shortly after today's indictment, Mr. Cohn issued a statement denying the "trumped-up charges."

Sees "Revenge" Motive
 "I will prove the falsity of these charges and expose a rank misuse of the machinery of justice for personal revenge and retaliation," he asserted.

The indictment charges that Mr. Cohn conspired with Samuel S. Garfield to arrange that Mr. Garfield, Irving Pasternak, Alard Roen and Allen K. Swann would not be named in any indictment. Mr. Cohn had Mr. Gottesman get in touch with the then chief assistant United States attorney, Morton S. Robson, the indictment charged.

The 1959 grand jury indicted several men, but Mr. Garfield, Mr. Pasternak, Mr. Roen and Mr. Swann were not among them.

The case went to a grand jury again in July, 1961, and the four men were then indicted. Ultimately, all four pleaded guilty.

File
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The Washington Post and Times Herald _____
 The Washington Daily News _____
 The Evening Star AI _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 Date _____

SEP 4 1962

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 191 SEP 10 1963

60 SEP 11 1962

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UPI-120

(COHN)

NEW YORK--ROY M. COHN, BOY WONDER OF THE ARMY-MCCARTHY HEARINGS A DECADE AGO, PLEADED INNOCENT TODAY TO A FEDERAL INDICTMENT CHARGING HIM WITH PERJURY AND OBSTRUCTING JUSTICE.

COHN SAID HE WAS BEING VICTIMIZED AND CHARGED THAT U.S. ATTORNEY ROBERT F. MORGENTHAU WAS "OUT TO GET ME."

MORGENTHAU DECLINED COMMENT ON COHN'S STATEMENT, SAYING THAT "HIS GUILT OR INNOCENCE WILL BE DECIDED AT THE PROPER TIME BY A COURT AND JURY ON THE EVIDENCE PRESENTED." MORGENTHAU DID NOT OBJECT TO COHN BEING RELEASED ON HIS OWN COGNIZANCE AND HE WENT THROUGH ROUTINE FINGERPRINTING BEFORE HIS RELEASE.

AFTER ENTERING THE INNOCENT PLEA BEFORE FEDERAL JUDGE DUDLEY B. BONSAL, COHN CITED 11 INSTANCES TO ESTABLISH THAT THE JUSTICE DEPARTMENT'S CHARGES AGAINST HIM WERE PROMPTED BY "PERSONAL ANIMUS AND A DESIRE FOR POLITICAL REVENGE."

HE SAID HE WOULD SEEK A HEARING BEFORE AN IMPARTIAL BOARD, SUCH AS A COMMITTEE OF THE BAR ASSOCIATION OR A SENATE JUDICIARY COMMITTEE.

HE SAID THE BOARD SHOULD HAVE "NO CONNECTION WITH MORGENTHAU OR THOSE ABOVE OR BELOW HIM."

ASKED WHETHER HE WAS REFERRING TO ATTORNEY GENERAL ROBERT V. KENNEDY, COHN REPLIED:

"MR. KENNEDY IS MR. MORGENTHAU'S SUPERIOR. YOU CAN DRAW YOUR OWN CONCLUSIONS."

HE SAID THE JUSTICE DEPARTMENT HAD SPENT "HUNDREDS OF THOUSANDS OF DOLLARS" ON ITS INVESTIGATION--"SOMETHING OF A RECORD."

COHN SAID ONE OF MORGENTHAU'S "CONFIDANTS" TOLD HIM THAT MORGENTHAU WAS MOTIVATED BY "PERSONAL ANIMUS" IN CONNECTION WITH COHN'S ROLE AS CHIEF COUNSEL OF THE SENATE PERMANENT INVESTIGATIONS SUBCOMMITTEE.

COHN SAID IT WENT BACK TO THE INVESTIGATION BY THE LATE SEN. JOSEPH MCCARTHY, R-WIS., OF TREASURY OFFICIAL HARRY DEXTER WHITE, WHO WAS ALLEGED TO HAVE BEEN A MEMBER OF THE "COMMUNIST CONSPIRACY" IN THE UNITED STATES.

COHN SAID THE INVESTIGATION SHOWED THAT MORGENTHAU'S FATHER, THE LATE TREASURY SECRETARY HENRY MORGENTHAU JR., "HAD HIRED WHITE AND ADVANCED HIM OVER THE OBJECTIONS OF OTHERS."

"I DIDN'T HAVE ANYTHING AGAINST THE ELDER MR. MORGENTHAU," COHN SAID. "I WAS DOING MY JOB. I DON'T KNOW WHETHER I CAN BRING OUT PROSECUTORIAL MOTIVATION AT MY TRIAL, BUT I WOULD THINK MR. MORGENTHAU WOULD BE WILLING TO HAVE MY CHARGES AIRED AT AN IMPARTIAL HEARING IF HE IS WHAT HE SAYS HE IS."

COHN CHARGED THAT THE GRAND JURY WHICH INDICTED HIM WAS A "MORGENTHAU RUBBER STAMP OPERATION."

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62 SEP 12 1963

WASHINGTON CAPITAL NEWS SERVICE

SEP 11 1963

(Mount Clipping in Space Below)

Mr. Tolson _____
 Mr. Belmont _____
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 Mr. Trotter _____
 Tele. Room _____
 Miss Holmes _____
 Miss Gandy _____

Pleads Innocent in Cohn Case

Murray E. Gottesman, the New York attorney indicted Wednesday with Roy M. Cohn, made a surprise appearance in Federal Court today to plead innocent.

The two men were indicted jointly on charges of perjury and attempting to obstruct justice by trying to prevent the indictment of four men in a stock fraud deal.

Gottesman, 56, of 70 E. 10th St., originally was scheduled to appear next Wednesday with Cohn to plead to the charges.

Cohn, a former assistant United States attorney and one-time special council in the Joseph R. McCarthy anti-Communist inquiries, entered his plea of innocence yesterday.

Gottesman appeared at the U.S. Courthouse in Foley Square with his attorney, Henry Chapman, proceeded to Room 318, where the criminal calendar was being called and asked that his case be added to the pleadings.

Judge Dudley B. Bonsal consented and U.S. Attorney Robert M. Morgenthau was summoned to complete the proceeding.

Like Cohn, Gottesman was released in his own recognizance. He issued a brief statement declaring his innocence and asserting that he had done nothing wrong or improper.

(Indicate page, name of newspaper, city and state.)

4 NEW YORK WORLD
TELEGRAM AND THE SUN

Date: 9/6/63
 Edition: 7th SPORTS
 Author:
 Editor: RICHARD D. PETERS
 Title: MORTON ROBSON FORMER
 AUSA SDNY; ROY COHN
 UNDER INVESTIGATION
 Character: BRIBERY
 or
 Classification: BU 58-5100
 Submitting Office: NYO

62 SEP 13 1963

158-5100-A
 NOT RECORDED
 191 SEP 13 1963

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The Characters In the Cohn Case

ALEXANDER L. GUTERMA, 48, convicted swindler and onetime financial czar, was released from jail May 6 after serving a little more than three years of a five-year sentence for fraud involving the F. L. Jacobs Co., his onetime holding company for vast financial interests. He was the government's chief witness in the United Dye and Chemical Corp. fraud trial in federal court. He



ALEXANDER GUTERMA

was given a five-year suspended sentence and placed on five years probation for stock fraud involving United Dye and Chemical. He had pleaded guilty in 1961 to the United Dye and three other indictments involving frauds exceeding \$10,000,000. Besides United Dye, the companies involved were Consolidated American Industries and Shawano Development Corp.

\$5,000,000. He pleaded guilty to a charge that he had conspired to sell 37,500 illegal shares of United Dye & Chemical Corp. The government also charged that Garfield paid a \$100,000 bribe to the late Sen. George A. Bender (R-Ohio) to block the SEC investigation that led to the stock fraud trial.

DANIEL J. DEISCOLL, named as a co-conspirator but not as a defendant in the Cohn indictment, is Cohn's partner in the law firm of Saxe, Bacon & O'Shea, 598 Madison Av.

ALLARD BOEN, manager and part owner of the Desert Inn and the Stardust Hotel in Las Vegas, pleaded guilty last year to one count of an indictment charging conspiracy to make deals in the stock of United Dye and Chemical Corp. and pegging the price of the common stock in violation of SEC rules.

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Mr. Gale _____
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Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

(Indicate page, name of newspaper, city and state.)

46 NEW YORK POST

Date: 9/5/63
Edition: LATE CITY
Author:
Editor: DOROTHY SCHIFF
Title: MORTON ROBSON FORMER
AUSA SDNY; ROY COHN
UNDER INVESTIGATION
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

58-5100-A

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field, Irving Pasternak, Allard Roen and Allen K. Swann—were named as co-conspirators but not as defendants in the huge United Dye and Chemical Corp. fraud.

The alleged fix went for nothing, however, two years later when a second grand jury under Morgenthau and the Kennedy Administration again investigated the United Dye case and brought a new indictment that included the four—some as defendants. All four pleaded guilty.

The key figure in the United Dye case was convicted swindler Alexander L. Guterman, 48, a defendant who pleaded guilty and turned state's evidence. Guterman was released from jail May 6 after serving a little more than three years of a five-year sentence for fraud involving his one-time holding company, F. L. Jacobs Co.

In April, 1962, another grand jury began investigating reports about the alleged fix in the 1959 case. Attorney General Kennedy became so interested in the case that he

detailed his two most valued assistants—Walter E. Sheridan and Charles N. Shaffer Jr.—to New York to help Morgenthau. But the latter, running for Governor at the time, reportedly rejected the implication that he couldn't handle the matter himself and insisted that Kennedy call off his team. The Attorney General obliged.

By its action yesterday, the grand jury declared that it did believe a fix had taken place and that Cohn was involved, along with Murray E. Gottesman, 56, an attorney, of 70 E. 10th St.

The indictment charged in part that Cohn in 1959 went to see Gottesman who in turn contacted Morton S. Robson, then Chief Asst. U. S. Attorney, to arrange that the four not be named as defendants.

[The indictment does not elaborate; it makes no further statement about Robson. The reference above to a former U. S. Justice Dept. aide who took part in a "fix" does not refer to Robson.]

Counsel to McCarthy

The 36-year-old Cohn—a decade ago he was chief counsel to Sen. McCarthy's investigating committee, a committee for which Robert Kennedy then also worked—was also indicted on three counts of perjury and four counts of endeavoring to obstruct justice and interfering with witnesses before a grand jury.

Named as co-conspirators but not co-defendants with Cohn and Gottesman were Daniel J. Driscoll, a partner in Cohn's law firm, Saxe, Bacon and O'Shea, 598 Madison Av.; Samuel Litt, Cohn's accountant; Litt's son, Bruce; and Stanley Ellenbogen, a partner in Litt's accounting firm.

The 10-count, 47-page indictment, however, says nothing about why Cohn went to the lengths he allegedly did for Garfield, Pasternak, Roen and Swann.

He has been identified in recent years with numerous and varied interests—Lionel Corp., boxing promotions, Fifth Av. Coach, Tower Universal Corp., which included travel agencies, vending machines, swimming pools, loan and insurance companies—but not nearly so prominently with Las Vegas gambling figures. But he has had dealings in Las Vegas.

In 1959 he invested \$25,000 in

Desert Inn Associates, which owns the Desert Inn Hotel and leases it to United Resort Hotels Corp. Roen, described by the government as a "protege and partner" of Garfield and Pasternak, is an officer of United Resort Hotels Corp., which also runs the Stardust Hotel. Roen is also an officer in two corporations that run the gambling concessions in both hotels.

Hospital Investment

Cohn also invested \$76,000 into a partnership called A & M Enterprises which erected the Sunrise Hospital in Las Vegas. Other partners included Roen, Eli Boyer, who is auditor for the Desert Inn and Stardust, and Morris E. (Moe) Dalitz, a top figure in the operation of both gambling establishments.

The names of both Dalitz and Boyer came out in yesterday's indictment: In one instance, Cohn was charged with falsely denying under oath that he tried to get a message to Dalitz in Europe last summer asking him to return immediately to New York.

He was also accused of trying to influence Roen's testimony before the grand jury "by causing and procuring one Eli Boyer to communicate threats" to Roen.

The indictment also charged that Cohn falsely denied that he had asked William D. Fugazy, formerly associated with him in the promotion of championship fights and Tower Universal, to talk to Garfield and Roen about their relationship with his co-defendant, Gottesman.

Just as Cohn had business dealings in Las Vegas, however, some among his Las Vegas acquaintances came to have dealings in Cohn's ventures.

When Cohn took over Lionel Corp. in 1959, Eli Boyer was included in the group that borrowed a needed \$900,000 from banks in Hong Kong and Panama. Boyer was made a director.

Paul M. Hughes, only 31 at the time, who had worked for Pasternak and Garfield from 1956 to 1959 in one of their promotions, was hired by Cohn as executive assistant for administration at Lionel at \$24,000 a year.

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Ex-U. S. Aide May Be Cited

By NORMAND POIRIER

A former Justice Dept. aide in New York is the key figure behind a federal indictment that charges Roy M. Cohn with trying to prevent the arrest of four principals in a multi-million-dollar stock swindle.

The New York Post learned there will be further indictments and that the ex-U. S. aide may be named as a defendant.

U. S. Attorney Morgenthau would say only that "the investigation is continuing," but The Post has learned that

EXCLUSIVE

the aide has been a target in the investigation ever since it started two years ago.

As a federal official, the aide reportedly played a major role in keeping the four men—three of them top gambling figures in Las Vegas—from being indicted by a grand jury in 1959. He further helped them, it was learned, by leaking information to them about the progress of the government's case against them.

One reliable source told The Post the aide was wined and dined only days after the four men—Samuel S. Gar-

(Indicate page, newspaper, city and state.)

1 NEW YORK POST

Date: 9/5/63
 Edition: LATE CITY
 Author: NORMAND POIRIER
 Editor: DOROTHY SCHIFF
 Title: MORTON ROESON FORMER
 AUSA SDNY; ROY COHN
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58-5100-A

191 SEP 11 1963

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Cohn Pleads Not Guilty to Perjury Charge

NEW YORK, Sept. 5 (AP)—Roy M. Cohn pleaded not guilty a week ahead of schedule today to charges of perjury and obstructing justice in a stock-fraud probe.

He had been slated to enter the plea next week, but said he did not want to wait that long to start fighting what he called "trumped-up charges."

Federal District Judge Dudley B. Bonsal, who accepted the plea, agreed at the request of United States Attorney Robert M. Morgenthau, to release Mr. Cohn without bail. The judge ordered him fingerprinted, however, also at Mr. Morgenthau's request.

About 200 persons milled about the steps of the United States Courthouse when Mr. Cohn arrived to arrange for early acceptance of his plea.

"This is the biggest crowd since the Army-McCarthy hearings," commented Mr. Cohn, who was chief counsel to the Senate Permanent Subcommittee on Investigations under the late Senator Joseph R. McCarthy.

Indicted Yesterday

The 36-year-old attorney and businessman was indicted yesterday by a Federal grand jury along with another Manhattan lawyer, Murray E. Gottesman, 56. Both were charged with scheming to prevent the indictment of four men in a 1959 inquiry into a United Dye and Chemical Corp. stock swindle.

The two immediately denied the charges.

Mr. Cohn, denouncing what he called an "official vendetta," said in a statement:

"The trumped-up charges by Robert Morgenthau and company are in fact welcomed by me. This may seem strange to say, but it is not when viewed in the light of their 3-year campaign of slander, managed news leaks, harassment and high-handed tactics.

"I now have the opportunity of bringing all this out into the

open. I will prove the falsity of these charges and expose a rank misuse of the machinery of justice for personal revenge and retaliation."

Faces 10 Counts

The 10-count indictment against Mr. Cohn and Mr. Gottesman came after more than a year of investigation by the grand jury. Four other men, three of them associated with Mr. Cohn's law firm or business operations, were named co-conspirators but not defendants.

In the stock case, the public was bilked of nearly \$5 million in price-rigged, unregistered stock sales. At least 15 persons have been convicted or have pleaded guilty in the case.

Mr. Morgenthau said that yesterday's indictment resulted from a probe to determine if any wrongdoing was involved in the failure of a 1959 grand jury to indict four men in the stock fraud case.

The four were indicted later by a 1961 grand jury. They included Samuel S. Garfield of Clare, Mich., and three Denver (Colo.) men—Irving Pasternak, Allard Roen and Allen K. Swann. All four later pleaded guilty.

Charge Involvement

Yesterday's indictment said Mr. Cohn and Mr. Gottesman were involved in a scheme to prevent indictments of the four men by the 1959 grand jury.

The indictment also charges that Mr. Cohn got Mr. Gottesman to get in touch with Morton S. Robson, then chief as-

sistant United States attorney for New York's Southern District. After the 1962 probe of the 1959 affair was begun, the indictment claims, Mr. Cohn used threats to get Garfield and Roen to recant their previous testimony before the most recent grand jury.

Mr. Cohn and Mr. Gottesman also are charged in the indictments with conspiring to lie to the new grand jury about their activities in connection with the previous stock fraud probe.

Named co-conspirators but not defendants in the current case are Daniel J. Driscoll, a partner in the Cohn law firm; Samuel Litt, Mr. Cohn's accountant and head of an accounting firm; Bruce Litt, his son, and Garfield, an oil operator.

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 191 SEP 10 1962

The Washington Post and Times Herald _____
 The Washington Daily News _____
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 New York Journal-American _____
 New York Mirror _____
 New York Daily News _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 Date _____

SEP 5 1962

54 SEP 10 1962

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COHN

CLOSEUP:**Roy Cohn**

JOSEPH WERSHBA

What makes Roy Cohn run? Does he know himself? Some of his critics may be guilty of seeing him through the blur of envy—for only the dishonest can deny that he is a man of considerable talent.

Only 36, he has a foundation named for himself. His income as a lawyer is said to be \$250,000 a year. He's reputed to be worth \$2,000,000—self-made. As lawyer and business executive, he is a builder of instant empires.

And who can forget that when he was only 25—Alexander the Great's age—Roy Marcus Cohn bestrode the greatest power in the history of civilization and held its State Dept., Voice of America—and even its Army—in a panic?

Is there any connection between the Roy Cohn who was Sen. Joseph McCarthy's investigative genius a decade ago and the Roy Cohn who has now come under sudden dramatic indictment by a federal grand jury?

To those who still flinch at how close this country was brought to the brink of McCarthy-type authoritarianism in 1954, the only connection is that the mills of the gods grind slowly, but they grind exceeding fine.

The more charitable of his detractors hope that Cohn now won't have to endure the kind of "evidence" so fashionable a decade ago, when merely to accuse was to convict.

And those who know nothing of Cohn's business activities but remain ardent admirers of his stand in behalf of Americanism against communism, are convinced that he is under attack now for what he did then.

But there is another school which holds that in an age of "know-how," Roy Cohn would have risen to the top in any field: he is a master technician.

In answer to one reporter, who relayed the accusation that he is a "takeover artist," Cohn replied: "To these people, a takeover artist is anyone who hasn't come to control by inheritance. But he is what they need; these businesses are stagnant . . . If you lived in a world of investment bankers—if you chose to live in such a world—every 10 minutes you'd hear somebody say, 'What will so-and-so think?' Well," says Roy Cohn, "the one thing I have is guts."

To reporter Thomas B. Morgan, who asked

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Mr. Trotter
Tele. Room
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Miss Gandy

(Indicate page, name of newspaper, city and state.)

27 NEW YORK POST

Date: 9/5/63
Edition: LATE CITY
Author: JOSEPH WERSHBA
Editor: DOROTHY SCHIFF
Title: MORTON ROBSON FORMER
AUSA SDNY; ROY COHN
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him his philosophy of life, Cohn replied: "I have a basic sense of the unimportance of everything. You live 70 years. Civilization goes on after you're gone, so what difference does it make." Then he added: "You are propelled into certain things and you do them. I must like what I do or I wouldn't do it." To reporter Morgan, Cohn remains the archetype of the Adjustable Man.

Cohn adjusted quickly to the business world—and his interests have ranged from the Lionel toy company to the Fifth Av. Coach Co. to promotion of the Floyd Patterson-Ingemar Johansson-Sonny Liston heavyweight championship fights.

He lives with his mother in an upper Park Av. apartment. "I run my house for the comfort of my son," his mother told a visitor. Cohn has remained a bachelor—"Nothing against marriage," he says, "but I can't afford to get involved." His total involvement is with his work and he is constantly on the phone whether at his firm's office (Saxe, Bacon & O'Shea) or en route by chauffeured limousine or at the Stork Club.

He was born in New York, Feb. 20, 1927, son of the late New York Supreme Court Judge Albert Cohn. Roy was an only child and at an early age demonstrated the qualities of brashness, energy, memory and aggressiveness that millions came to know during the McCarthy-Army hearings of 1954. He attended Fieldston, Horace Mann, Columbia and was graduated from Columbia Law at the age of 20. He had to wait a year before being admitted to the bar.

He soon became one of the youngest assistant U. S. Attorneys ever named and quickly became a specialist in subversive activities as a result of his work on such cases as the prosecution of Communist leaders, William Remington and the Rosenberg atom spy network. After serving as special assistant to the Attorney General in 1952, Cohn went over as chief counsel to Sen. McCarthy.

Cohn and his young friend G. David Schine went abroad for McCarthy and thought they discovered wholesale evidence of disloyalty within government agencies. Later, the Army countercharged that Cohn had used improper influence to get Schine preferred treatment after he was drafted. McCarthy made the issue a fight between himself and the Army. When McCarthy went down, Cohn went out. He quickly adjusted to the world of private business and seemed to be doing well—until yesterday.

MURRAY E. GOTTESMAN

56, an attorney who lives at 70 E. 10th St. and has offices at 217 Broadway, was indicted with Cohn. He said yesterday that "I don't know what it's all about." He said he had no business connection with Cohn and had never been associated with the companies involved in the case. He said he had known Cohn since the 1952 treason trial of John David Provo, U. S. Army sergeant who was charged with



MURRAY E. GOTTESMAN

treasonable dealings with the Japanese during World War II. Gottesman was Provo's court-appointed defense lawyer and Cohn was an assistant U. S. Attorney.

ALLAN E. SWANN, 70, Evansville, Ind., attorney, pleaded guilty last year to a single count of a 30-count indictment in connection with dealings in United Dye and Chemical Corp. stock. He admitted deals to buy company stocks with the aim of fixing its price in violation of SEC rules.

MORTON SYLVAN ROSSON, 40, former Chief Asst. U. S. Attorney here, was born on E. 7th St. and decided when he was 7, to be a lawyer. He entered CCNY at the age of 15, working his way as a waiter, by pushing a garment center hand truck and later delivering ad copy. He later entered the Signal Corps as a private and emerged at the end of World War II as a first lieutenant. Before going into the U. S. Attorney's office, he clerked in a law office, managed a legal printing firm and practiced law with his brother. He was the successful prosecutor of Frank Costello and the unsuccessful attorney against Rep. Adam Clayton Powell in Powell's income tax evasion trial.

IRVING PASTERNAK, 48, one-time oil promoter described recently as the "leading builder" of homes in Denver, was sentenced to 2 1/2 years in prison and fined \$50,000 June 5 for participating in two stock swindles in which the public lost \$9,000,000. He had pleaded guilty to the sale of unregistered common stock of the United Dye and Chemical Corp. and also to another indictment charging stock fraud in the sale of stock of the Shawano Development Corp.

SAMUEL S. GARFIELD, 63, Clare, Mich., oil promoter, named as a co-conspirator but not a defendant with Cohn, was one of 12 defendants accused of stock fraud conspiracy last year in what the government called a scheme to defraud the public of

WILLIAM D. FUGAZY, 39, and Roy Cohn organized Feature Sports Inc. in 1959 to buy out the Patterson-Johansson return-bout contract from Rosensohn Enterprises. In 1961 Cohn announced that he and Fugazy were withdrawing from active management in the fight promotion firm but would retain their financial interest. Fugazy is also president of the Fugazy Travel Bureau. A 1945 graduate of Cornell, he served as a lieutenant in Naval Intelligence during World War II and during the occupation of Japan was in charge of mine-clearing at Nagasaki and Sasebo.

SAMUEL LITT, named a co-conspirator but not a defendant with Cohn, is Cohn's accountant and head of the accounting firm of Litt, Sanger and Levine, 11 W. 47th St. Also named as co-conspirators but not defendants were his son, Bruce, and Stanley Ellenbogen, a partner in the firm who has been associated with it for 15 years.

Roy Cohn Indicted for Conspiracy And Perjury in Stock Fraud Case

NEW YORK, Sept. 4 (UPI)—Roy M. Cohn, former counsel for the late Sen. Joseph McCarthy's Communist investigations and builder of a multi-million-dollar industrial empire, was indicted today on charges of perjury and conspiracy to obstruct justice in a stock fraud case.

Cohn, 36, could receive as much as 40 years in prison and fines totaling \$36,000 if convicted.

The charges stem from the United Dye and Chemical Corp. stock manipulations in which the public was fleeced of more than \$5 million in unregistered security sales. A conspiracy trial in connection with the fraud—the longest criminal trial in Federal court history—ended early this year. It had been under way since early 1962.

Also charged with Cohn was Murray E. Gottesman, 56, a corporation lawyer accused of being a co-conspirator.

Both lawyers denied the charges. A hearing before Federal Judge William B. Herlands was scheduled for Sept. 11, but Cohn said he would enter a plea of innocent Thursday. Gottesman said he also would plead innocent.

Cohn accused U. S. Attorney Robert Morgenthau of heading an "official vendetta" against him.

"This is the work of a vengeful and frustrated man," Cohn said. "The trumped-up charges by Robert Morgenthau and company are in fact welcomed by me. This may seem strange to say, but it is not when viewed in light of their two-year campaign of slanders, managed news leaks,

harassment and high-handed tactics.

"I will prove the falsity of those charges and expose a rank misuse of the machinery of justice for personal revenge and retaliation."

Cohn, linked to Las Vegas gambling interests, teamed with William Fugazy to promote two Patterson-Johansson heavyweight boxing championship fights and the Liston-Patterson fight.

He became board chairman of Lionel Corp., the maker of toy electric trains, when he was 32 and since then has

Picture on Page A4.

been active in a New York City bus company, a small loan company, a large national travel agency, insurance concerns and a swimming pool company.

Gottesman said about the charges: "I know that I have not done anything wrong or improper, and I shall ask the court to give me an opportunity at the earliest moment to prove my innocence and refute these unfounded charges."

The United Dye and Chemical fraud case came up in 1958. The Government charged that a group of top company officials and several Las Vegas gamblers conspired to cause a flurry of market activity that drove prices upward on unregistered company stock that then was dumped on the public.

In 1959, the Securities and

Exchange Commission recommended Federal prosecution of Samuel Garfield and Irving Pasternak, both associated with Nevada gambling interests; Allard Roen of Las Vegas and Allen K. Swann, among others.

Cohn had been an attorney for Garfield for some time prior to 1959. The indictment against him charges that Cohn went to Gottesman and had him approach Morton Robson, then Chief Assistant U. S. Attorney, and arrange that Garfield, Pasternak, Roen and Swann would not be indicted.

Whether this alleged conspiracy was successful or not is a point to be proved. However, none of the four was indicted by the grand jury.

In 1961, another Federal grand jury indicted the four and last year still another grand jury began an investigation to ascertain whether or not any public official might have been bribed to let the four men "get off the hook."

Today's indictment against Cohn and Gottesman was a result of that investigation.

The grand jury also charged that Cohn "threatened" Garfield and Roen when they were called before the grand jury last year as witnesses and induced Garfield "to falsely recant his truthful testimony" to a previous grand jury.

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Associated Press

A-1 Indicted

Roy M. Cohn, above, who became nationally prominent a decade ago as an investigator for the late Sen. Joseph McCarthy, was indicted in New York yesterday for perjury and conspiring to block justice. Story, Page A-1.

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 The National Observer _____
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SEP 5 1963

U.S. Indicts Roy Cohn As Perjurer and Fixer

By NORMA ABRAMS and HENRY LEE

Roy M. Cohn, the brash young man who served as chief counsel to the McCarthy Senate investigating committee and who more recently has been operating as attorney, financier and sports promoter, was charged yesterday with lying three times before a federal grand jury and tampering with three other witnesses—in one case through threats.

The 36-year-old Cohn was indicted on three perjury counts and four counts of endeavoring to obstruct justice by interfering with the other witnesses. Additionally, with another prominent lawyer, Murray E. Gottesman, 56, Cohn was charged with conspiring to obstruct justice and to commit perjury. Gottesman was separately named in two perjury counts.

When the 10-count indictment was handed up to Federal Judge Dudley B. Bonsal at 11:55 A.M., U. S. Attorney Robert M. Morgenthau reported that the two lawyers would be given a hearing next Wednesday.

However, only half an hour later, a messenger appeared in the Federal Building pressroom with an angry statement from Cohn that he will appear at 10:30 A.M. today "to formally enter my denial in court."

"Official Vendetta"

Afterward, he promised, he will "make a full and detailed statement concerning this 'official' vendetta"—which he characterized as "the work of a vengeful and frustrated man."

"The trumped-up charges by Robert Morgenthau and company are in fact welcomed by me," he asserted. "This may seem strange to say, but it is not when viewed in light of their two-year campaign of slander, managed news leaks, harassment and high-handed tactics."

"I now have the opportunity of bringing all of this out into the open. I will prove the falsity of these charges and expose a



Roy M. Cohn
Accused on seven counts

rank misuse of the machinery of justice for personal revenge and retaliation."

The indictment was a by-product of the long government investigation into the complicated wheeling and dealing in United Dye and Chemical Corp. stock, masterminded by convicted swindler Alexander L. Guterman.

Back in 1956, SEC began probing manipulation of the stock and assertedly uncovered a \$5 million stock fraud. Three years later, SEC recommended to the U.S. attorney here that several persons be indicted. Among those nominated were the following:

Samuel S. Garfield, 63, of Clare, Mich., self-described oil producer; Irving Pasternak, 48, Colorado oil operator and builder; Allard Roen, 42, a partner in Las Vegas inns, and Allen K. Swann, 70, an Indiana lawyer.

"Deal" Is Related

In the summer of 1959, a grand jury investigation got under way, but during that July and August, yesterday's indictment charged, Cohn assertedly made a deal with Garfield that neither he nor the other three would be named in any indictment returned by the jury.

"In order to effectuate the

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agreement made between Cohn and Garfield," Morgenthau said. "Cohn contacted defendant Gottesman, who thereafter contacted Morton S. Robson, then chief assistant United States attorney for the Southern District of New York."

When the jury completed its investigation and voted an indictment on Aug. 25, Garfield, Pasternak, Roen and Swann were not named.

Interim U.S. Attorney

Robson, who later served as an interim U.S. attorney, left office April 18, 1961, when Morgenthau was appointed. Three months later, in a superseding indictment, the four were named, all subsequently pleading guilty.

Thereafter, in April of 1962, the grand jury opened an investigation "for the purpose of determining whether any persons engaged in a conspiracy to bribe any public official and corruptly to influence and obstruct the due administration of justice in the grand jury investigation" of 1959, yesterday's indictment explained.

It was during this 17-months probe that Cohn and Gottesman assertedly perjured themselves and Cohn tampered with other witnesses.

Fugazy Mentioned

According to the indictment, Cohn falsely denied before the grand jury that he had asked his onetime associate in boxing promotion, William D. Fugazy, to speak to Garfield and Roen about their relationship with his co-defendant, Gottesman. Cohn and Fugazy promoted the 1960-61 Patterson-Johansson world heavy-weight title fights.

Cohn was accused also of falsely denying that he had caused a message to be sent to Moe B. Dalitz, an officer in the Desert Inn, Las Vegas, asking that he return immediately from Europe in June of last year.

The third perjury count set forth that Cohn described an entirely fictitious meeting he said he had attended back in 1959. At this session, according to Cohn, Garfield and Swann talked with Gottesman about the United Dye mess, then under investigation.

"Recanted Falsely"

Two additional counts of endeavoring to suppress justice were based on charges that Cohn caused Fugazy to give false testimony and Garfield to recant "falsely" earlier truthful testimony.

In the general conspiracy count, five men were named with Cohn and Gottesman as co-conspirators but not as defendants. They were:

Daniel J. Driscoll, a partner in Saxe, Bacon & O'Shea, a law firm at 596 Madison Ave. headed by Cohn; Samuel Litt, Cohn's

accountant and head of Litt, Singer & Levine, 11 W. 47th St.; his son, Bruce Litt; Stanley Ellanbogen, a partner in the accounting firm, and Garfield.

Could Get 40 Years

If convicted, Cohn faces a maximum sentence of 40 years in prison and a \$35,000 fine. Gottesman would face a 15-year maximum sentence, plus a \$14,000 fine.

Like Cohn, Gottesman, who has offices at 217 Broadway, issued a statement denying "anything wrong or improper" and promising to ask "an opportunity at the earliest moment" to refute these unfounded charges.

Cohn, who lives at 1165 Park Ave., was an assistant U.S. attorney at the age of 21, confidential assistant to the U.S. attorney at 23, special assistant to the U.S. Attorney General at 25 and chief counsel to the McCarthy committee at 26.

After leaving government service in 1954, he engaged in private practice and three years ago gained control of Lionel Corp., becoming board chairman. He also was in the syndicate that took over Fifth Ave. Coach Corp. but recently resigned.

Cohn Charges He Is Victim Of Retaliation

NEW YORK, Sept. 5 (AP). Roy M. Cohn, anti-Communist investigator for the late Senator Joseph R. McCarthy, says he is the victim of "personal revenge and retaliation" following the indictment accusing him of perjury and obstruction of justice in a stock-fraud probe.

The 36-year-old attorney and businessman was indicted yesterday by a Federal grand jury along with another Manhattan lawyer, Murray E. Gottesman, 56. Both were charged with scheming to prevent the indictment of four men in a 1959 inquiry into a United Dye and Chemical Corp. stock swindle.

The two immediately denied the charges.

Mr. Cohn said in a statement:

"The trumped-up charges by Robert Morgenthau (United States Attorney for the Southern District of New York) and company are in fact welcomed by me. This may seem strange to say, but it is not when viewed in the light of their 2-year campaign of slander, managed news leaks, harassment and high-handed tactics.

To Enter Denial

"I now have the opportunity of bringing all this out into the open. I will prove the falsity of these charges and expose a rank misuse of the machinery of justice for personal revenge and retaliation."

He said he would "appear at the United States Court House today to formally enter my denial in court, following which I shall make a full and detailed statement concerning this official vendetta."

The 10-count indictment against Mr. Cohn and Mr. Gottesman came after more than a year of investigation by the grand jury. Four other men, three of them associated with Mr. Cohn's law firm, or business operations, were named co-conspirators but not defendants.

In the stock case, the public was told of nearly \$5 million

in price-rigged, unregistered stock sales. At least 15 persons have been convicted or have pleaded guilty in the case.

Mr. Morgenthau said that yesterday's indictment resulted from a probe to determine if any wrongdoing was involved in the failure of a 1959 grand jury to indict four men in the stock fraud case.

The four were indicted later by a 1961 grand jury. They included Samuel S. Garfield of Clare, Mich., and three Denver (Colo.) men—Irving Pasternak, Allard Roen and Allen K. Swann. All four later pleaded guilty.

Yesterday's indictment said Mr. Cohn and Mr. Gottesman were involved in a scheme to prevent indictments of the four men by the 1959 grand jury.

The indictment also charges that Mr. Cohn got Mr. Gottesman to get in touch with Milton S. Robson, then chief assistant United States attorney for New York's Southern District. After the 1962 probe of the 1959 affair was begun, the indictment claims, Mr. Cohn used threats to get Garfield and Roen to recant their previous testimony before the most recent grand jury.

Not Defendants

Mr. Cohn and Mr. Gottesman also are charged in the indictments with conspiring to lie to the new grand jury about their activities in connection with the previous stock fraud probe.

Named co-conspirators but not defendants in the current case are Daniel J. Driscoll, a partner in the Cohn law firm; Samuel Litt, Mr. Cohn's accountant and head of an accounting firm; Bruce Litt, his son, and Garfield, an oil operator.

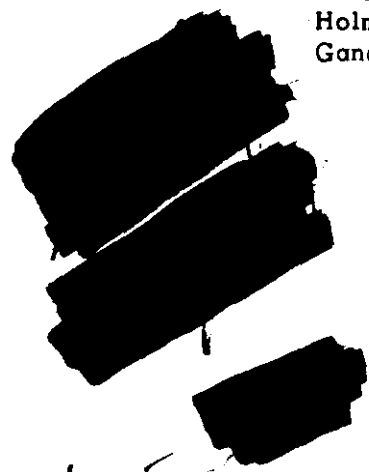
Mr. Gottesman's office also issued a statement saying:

"I know that I have not done anything wrong or improper, and I shall ask the court to give me an opportunity at the earliest moment to prove my innocence and refute these unfounded charges."

If convicted, Mr. Cohn would face a maximum penalty of 40 years in prison and a fine of \$36,000. Mr. Gottesman could get a maximum 15-year sentence and could be fined \$18,000.

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SEP 5 1963

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Cohn Pleads Not Guilty in Court Where He Once Was Prosecutor Terms Perjury and Conspiracy Charges Contrived — Accuses Morgenthau Again of 11-Year 'Vendetta'

By EDWARD RANZAL

Roy M. Cohn returned yesterday to Federal Court, the scene of his earliest triumphs as a young, vigorous prosecutor. This time, however, he appeared as an incensed defendant.

He vigorously pleaded not guilty to charges of perjury and obstruction of justice growing out of an alleged conspiracy to prevent the indictment of four men in a stock fraud case.

Immediately after the arraignment he held a press conference in which he castigated the United States Attorney, Robert M. Morgenthau, for carrying on an 11-year "vendetta." He implied that Attorney General Robert F. Kennedy was calling the shots.

Mr. Cohn's appearance generated considerable excitement in the courthouse, somewhat reminiscent of the period when, as chief counsel for the Senate Permanent Subcommittee on Investigations under the late Senator Joseph R. McCarthy, he conducted hearings in the building.

Courtroom Filled

Every seat in the courtroom was filled, and scores of newspapermen, photographers and television commentators and cameramen were on hand.

Nattily dressed in a dark blue suit, blue shirt and black tie, the 36-year-old lawyer answered all questions with the aplomb of a veteran. He termed the charges false and deliberately contrived.

He said that for the two years since Mr. Morgenthau took office "he has had three grand juries, many people and an international confidence man on the Government payroll trying to pick up something, anything, on me."

In regard to the asserted "vendetta," Mr. Cohn said: "There's a background between Mr. Morgenthau and me. At first it was political; then it developed into a personal thing which all started 11 or 12 years ago."

Earlier Inquiry Cited

"Eleven or 12 years ago," Mr. Cohn said, "when I was first in the Justice Department and then chief counsel to the Senate subcommittee, it was my duty to investigate Soviet infiltration in the Treasury Department. It dealt with the delivery of United States occupation currency plates given to Russia at the direction of Mr. Morgenthau Sr. on the advice of Harry Dexter White."

Henry Morgenthau, the father of the Federal Attorney, was Secretary of the Treasury when the plates were given to the Soviet Union in 1945. Mr. White was a high official under Mr. Morgenthau.

"I have no personal malice toward Morgenthau Sr.," Mr. Cohn continued. "I never met him. But Morgenthau Jr. has harbored a feeling about this. I say somebody up there just doesn't like me."

Asked about the role of Attorney General Kennedy in his case, Mr. Cohn said: "I think that history speaks for itself on that subject. I have never been invited to any of his swimming parties."

Mr. Cohn said that "there isn't a defendant or criminal

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Mr. Mohr _____
Mr. Casper _____
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(Indicate page, name of newspaper, city and state.)

26 NEW YORK TIMES

Date: 9/6/63

Edition: LATE CITY

Author: EDWARD RANZAL

Editor: TURNER CATLECE

Title: MORTON ROBSON FORMER

AUSA SDNY; ROY COHN

UNDER INVESTIGATION

Character: BRIBERY

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Classification: BU 53-5100

Submitting Office: NYC

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around who hasn't been offered a proposition to get something on me."

He said he was prepared to name names under oath before the Bar Association or a Senate judiciary committee or any impartial body.

In a statement given to the press, Mr. Cohn cited 11 instances that, he said, would "conclusively establish that the charges against me result solely from personal animus, the desire for political revenge and an attempt to pander to the long-standing prejudice of his superiors."

He charged Mr. Morgenthau and the Securities and Exchange Commission with a two-year harassment by taking his office files and not returning them and parading his employees continually before grand juries.

Mr. Cohn was indicted Wednesday by a Federal grand jury. Also named as a defendant was another lawyer, Murray E. Gottesman. They were scheduled to plead to the indictment next Wednesday.

Mr. Cohn appeared in court yesterday and asked that the matter be added to the calendar. He was represented by Thomas A. Bolan, a former assistant United States Attorney, who is now a partner in Mr. Cohn's law firm, Saxe, Bacon and O'Shea.

After Mr. Cohn had pleaded not guilty, Mr. Morgenthau told Judge Dudley B. Bonsal that the Government would not object if the defendant was released on his own recognizance.

Mr. Gottesman will plead on Wednesday.



The New York Times
Roy M. Cohn talking with reporters after he appeared in Federal Court. At the left is his lawyer, Thomas A. Bolan.

Morgenthau Statement

In answer to Mr. Cohn's statements to the press, Mr. Morgenthau said:

"The case against defendant Cohn is now before the court. His guilt or innocence will be decided at the proper time by a court and jury on the evidence presented. Therefore, the United States Attorney's office will have no comment on any statement issued by the defendant outside of court."

Court records show that three indictments were returned against defendants accused of stock fraud in the sale of unregistered shares of the United Dye and Chemical Corporation.

The first indictment was returned on Aug. 2, 1959, and named as defendants Alexander L. Guterman, convicted stock swindler; Virgil D. Dardi, former president of the company; Lowell M. Birrell, fugitive financier, and four others. The four men Mr. Cohn is accused of trying to help were named as co-conspirators but not defendants.

The second, returned under the same officials, accused the four Mr. Cohn was allegedly interested in and Guterman, of stock fraud.

The third true bill, obtained by Mr. Morgenthau's office, involved the defendants in the two previous indictments, plus others, and consolidated and enlarged the charges. The defendants went to trial, except Guterman, who pleaded guilty and testified for the Government. The four involved in the alleged fix-conspiracy pleaded guilty during the trial.

(Mount Clipping in Space Below)

Probe \$35,000 Bribe To Former U. S. Aide

By NORMAND POIRIER

The New York Post learned today that a key point in the perjury case against Roy M. Cohn is testimony about a \$35,000 bribe paid to a former Justice Dept. aide.

The alleged payoff was made, according to testimony given to federal officials, for the ex-U. S. official's assistance in helping to keep four principals in the multi-million-dollar United Dye and Chemical Corp. from being indicted when the case first came up in 1959.

Cohn was indicted on three counts of perjury and four counts of tampering with witnesses. There was no mention in the 47-page, 10-count indictment about bribery.

But The Post has learned that new indictments will name other defendants, including a former Justice Dept. aide who was revealed by The Post yesterday to have also helped the four avoid indictment. That aide kept the foursome informed of the progress of the government's case against them.

The \$35,000 bribe was reportedly paid in July-August of 1959 when Samuel S. Garfield and Irving Pasternak, both Western oil and stock promoters and top gambling figures at Las Vegas; Allard Roen, their partner and protege and an officer in the Sahara and Desert Inn hotels, and Allan K. Swann, an Indiana lawyer, found themselves in serious trouble with the SEC.

Since 1956, the SEC had been investigating United Dye stock manipulations. In 1959, the SEC referred the case to the U. S. Attorney's office in New York, recommending that the four—along with eight others—be indicted for SEC violations.

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2 NEW YORK POST

Date: 9/6/63
Edition: LATE CITY
Author: NORMAND POIRIER
Editor: DOROTHY SCHIFF
Title: MORTON ROBSON FORMER
AUSA SINY; ROY COHN
UNDER INVESTIGATION
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

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At that point—as evidence was being presented to the grand jury—Cohn and Garfield, according to Wednesday's indictment, entered into a scheme whereby Garfield and his three friends would not be named in any indictment as defendants.

When the indictments were handed up, eight men were named as defendants. Incredibly, the four principals were not among them.

It was for this reported favor, The Post has learned, that one of the four principals may be charged with having paid off \$35,000.

The alleged fix didn't work, however. Two years later, after the Kennedy Administration went into office and Morgen-

thau was appointed U. S. Attorney for the Southern District, an investigation was launched, the United Dye evidence was presented to a second grand jury, and that jury in 1961 named Garfield, Pasternak, Roen and Swann as defendants. All four pleaded guilty.

Cohn himself charged after his arraignment yesterday that his indictment was the result of a personal grudge against him by Morgenthau. He dared the U. S. Attorney to personally prosecute the case against him. Cohn was released on his own recognizance.

A Victim of Plot, Cohn Insists As He Loudly Pleads Not Guilty

By NORMA ABRAMS and HENRY LEE

Roy M. Cohn, the onetime boy wonder of government prosecuting circles, loudly pleaded not guilty yesterday in Federal Court to charges of lying before a grand jury and tampering with other witnesses and then handed up his own stinging, 11-count "indictment" against U. S. Attorney Robert M. Morgenthau.

Bluntly, the 36-year-old lawyer, financier and sports promoter charged that Morgenthau had hired an "international bounty hunter" to "get something on Cohn," that "deals" had been offered defendants in return for information against him, and that even "gangsters and racketeers" had been promised immunity "to give perjured evidence against me."

The case was "conceived in intimidation, threat and blackmail," he said, and Morgenthau "has reason to know" the charges are untrue. They resulted "solely from personal animus, the desire for political revenge and an attempt to pander to the long-standing prejudice of his superiors."

Mixing metaphors out of Sicily and the Old West, he accused "Morgenthau and company" of waging "a vendetta to get my

scalp." He would not directly say that "and company" included U. S. Attorney General Robert Kennedy, who served under him on the McCarthy Senate Investigating Committee and succeeded him as chief counsel.

"History speaks for itself," he said. "I've never been invited to one of his swimming pool parties."

Pressed whether Kennedy or his brother, the President, might have had any part in the "harsh, disappointing, sorry situation," Cohn said, "I'm letting you draw your own conclusions."

But he did unveil "a background" between himself and Morgenthau, originally political, which "developed into a personal thing 11 or 12 years ago." This was an outgrowth of Cohn's governmental investigation of "Soviet infiltration in the Treasury Department," long headed by the prosecutor's father, the late Secretary of the Treasury Henry M. Morgenthau Jr.

3 Press Conferences

Cohn's depiction of himself as a man hounded the past two years by Morgenthau was developed in depth at three press conferences in the Federal Building and in his law offices, Saxe, Bacon & O'Shea, 598 Madison Ave., and in a prepared statement spelling out his "indictment" of the prosecutor.

Morgenthau issued only a three-sentence counterstatement. Since the guilt or innocence of "defendant Cohn" would be "decided at the proper time by a court and jury on the evidence presented," Morgenthau refused com-

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(NEWS photo by Judd Mehlman)
Roy Cohn states his case at press conference.

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ment "on any statement issued by the defendant outside of court."

Cohn's "indictment" included "counts" that:

The U.S. attorney's office and Department of Justice representative told a lawyer here that a client indicted in a securities fraud case "could get off free if he would give us something on Roy Cohn."

Government representative told two defendants "they were out to get two people," one of the names mentioned "was mine," and "deals were offered these defendants."

A foreigner under indictment was returned "under guarantee of safe conduct" to New York where Morgenthau and an assistant assertedly said, "The man we're really after is Roy Cohn." He was offered a dismissal "if he would say what they wanted."

In a "prominent" case Morgenthau delayed sentence of "those from whom he sought to extract something unfavorable concerning me. To whip these defendants in line, he 'deferred' their sentences with promises of leniency if they play his game, and threats of long jail terms if they do not."

Witnesses have been threatened "with being included, in some way, in the indictment unless they would give suggested an-

swers concerning me." In Federal Detention Headquarters, "word was spread" that a prisoner with "a story implicating me could look forward to mitigation of his sentence or perhaps even to freedom."

Cohn was summoned a dozen times before three grand juries, once for nine consecutive jury days, and "hundreds" of his records demanded. Morgenthau has "refused or ignored" Cohn's requests for copies, or at least an inventory, "of these hundreds of papers."

Appeals for Hearing

"You sort of get a feeling after awhile that somebody up there doesn't like you," Cohn said.

Then he appealed for a hearing before the Bar Association, Senate Judiciary Committee "or any impartial body," promising to name names under oath.

Much of the government's case centers on the exclusion of four names from an original indictment in a securities fraud case when Morton S. Robson was chief assistant U. S. attorney. Actually, it develops, the four were named as co-conspirators and in a second, related indictment as defendants. Later, under Morgenthau, a superseding indictment packaged the charges contained in the two earlier cases.

Innocent Plea in Court

Back on the Attack — Roy Cohn

His Target: Morgenthau & the Past

By Milton Lewis
Of The Herald Tribune Staff

Roy M. Cohn stood before the Federal bar of justice yesterday—as a defendant . . . and appeared every bit as certain of himself as when he was before that very bench as a Federal prosecutor.

"You are Roy M. Cohn?" a veteran court clerk asked the 36-year-old lawyer routinely as 200 persons, including law students, pushed their way into a U. S. District Court room with 126 spectator seats.

"Yes, I am Roy M. Cohn."

The clerk, Gilbert Surdez, read the meat of the charges against him, emphasizing "testifying falsely before the grand jury" and "conspiring to obstruct justice."

This being an arraignment, this was no place to mention that the Wednesday indictment of Mr. Cohn and another lawyer, 56-year-old Murray E. Gottesman, may be followed by similar charges against a third lawyer. The latter formerly did business in this same court room as a lower level assistant Federal prosecutor.

Where there had been whispering until Mr. Cohn had stepped forward from his fourth-row seat, there was utter quiet now as the clerk continued:

"You understand the charges?"

"I do!"

"How do you plead?"

A LOUD VOICE . . .

Mr. Cohn, considerably leaner than when he caused other people to be arraigned, took a deep breath. He answered loudly enough to be heard in the hallway, through an oak-paneled door:

"I plead NOT guilty to each of the charges!"
Standing on the right side of a huge table was Mr. Cohn's adversary, U. S. Attorney Robert M. Morgenthau, who advised Judge Dudley B. Bonsal softly:

"In the matter of bail, the government is willing to release the defendant in his own recognizance."

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Mr. Cohn, glaring at the press standing in a familiar spot, smirked at this. A moment later, Mr. Cohn, in a reflex gesture, brought his hands forward, as Mr. Morgenthau said to the judge:

"May the defendant be fingerprinted?"

"Yes."

A U. S. marshal escorted Mr. Cohn to the "cellar" of the U. S. Court House on Foley Square, where he was "printed," just like anybody else charged with a series of felonies stemming from a vast stock swindle case. No trial date was set.

... AND INKY FINGERS

The gooey black ink off his fingers, Mr. Cohn obligingly held a mass press conference in the building's basement room for reporters. Even before he showed up at 10 a. m. to plead—the government had fixed that proceeding for next Wednesday—Mr. Cohn, noting the news horde on the steps of the court house, noted:

"Biggest crowd I've seen since the Army-McCarthy hearings."

At his press conference, covered by all major TV and newsreel outfits, he was wearing an all blue ensemble—suit, shirt and tie—which the electronic eye picks up nicely. As photographers seemed to be shooting him from the ceiling, he quipped:

"Listen, you're going to get my receding hair line."

Mr. Cohn then repeated in great part what he had said after the indictment was opened on Wednesday and what was contained in a three-page statement he had brought with him to court, that this was a personal "vendetta" on the part of Mr. Morgenthau.

AN ACCUSATION

Since Mr. Morgenthau took office two years ago, according to Mr. Cohn, the prosecutor has "had three grand juries and an international confidence man and many people on the government payroll trying to pick up something, anything, on me."

Also:

"My records were grabbed and not returned. Messengers and file clerks from my office were pulled down before the grand jury. Two agencies were fighting over me. The feeling is that somebody up there doesn't like me."

Why?

Mr. Cohn kept looking right into the cameras:

"I think the reasons are quite obvious. He (Morgenthau) has abused his office. I welcome an investigation from any impartial source. He embarked on a personal vendetta from above and below."

What was the background—if any?

"Eleven or 12 years ago, when I was first in the Justice Department and then chief counsel to the Senate Subcommittee on Investigations while it was being chaired by Sen. (Karl) Mundt (R., S. D.), it was my duty to investigate Soviet infiltration in the Treasury Department."

AN EXPLANATION

The microphones were pushed closer to the erstwhile chief counsel to that committee, whose regular chairman was the late Sen. Joseph R. McCarthy, R., Wis.:

"It dealt with the delivery of U. S. occupation currency plates to Russia at the direction of Henry Morgenthau (former Secretary of the Treasury) on the advice of Harry Dexter White."

Mr. White, a former Assistant Secretary of the Treasury under Mr. Morgenthau—the father of the present U. S. Attorney here—died in 1948. He died a few days after he appeared before the House Un-American Activities Committee.

Then from Mr. Cohn:

"I have no personal feeling of malice toward Mr. Morgenthau sr. I never met him. Mr. Morgenthau jr. has harbored a grievance about this (Treasury Department inquiry.) Let's say I was not accorded Mr. Landis' treatment."

W. FIGHT CASE

This was a reference to the income tax charges filed against James M. Landis Aug. 2—with the press not being told anything by Mr. Morgenthau until after the former adviser to four U. S. Presidents and former dean of the Harvard Law School had been arraigned and pleaded guilty. The press never got to see Landis then. He was under psychiatric treatment and last Friday received a 30-day term.

Now, Mr. Cohn was asked, what about the specific charges of grand jury perjury and conspiracy to obstruct justice to keep four suspects from being indicted in a huge stock swindle involving the United Dye and Chemical Corp? (The four later were indicted—and pleaded guilty—with three of them still awaiting sentence.)

"These charges are false and untrue in every respect. I'm going to fight them with every ounce of strength in me. I'm asking for a prompt trial—and I hope that Mr. Morgenthau will come into court as prosecutor in the case."

... BL NAMING NAMES

Did Mr. Cohn think that Attorney General Robert F. Kennedy, Mr. Morgenthau's boss, had a hand in his troubles?

"I think history speaks for itself on that subject. I have never been invited to any of his swimming parties.... The parade of witnesses they had before the grand jury makes Macy's Thanksgiving parade look like nothing."

Mr. Cohn, who in his years as prosecutor and as counsel to Sen. McCarthy's committee made many a witness sweat, remained cool as he continued to attack Mr. Morgenthau, saying:

"If there is a defendant around who hasn't been offered a proposition to get something on me I haven't met him. The password was, give something on Roy Cohn and you've got the key to walk out."

Would Mr. Cohn name names?

"I am prepared to name names—before any impartial body, such as a bar association committee or the Senate Judiciary Committee."

Then, sounding slightly like Sen. McCarthy but holding nothing in his hands, Mr. Cohn said:

"I have certain documents."

He did not say how many.

Here the film from one TV camera ran out. Mr. Cohn held off until the crew reloaded:

"I'm sure it's a conspiracy to hand my head upstairs."

Did he mean Attorney General Kennedy?

"I don't know.... I don't say I was framed. I say these charges are untrue and the U. S. Attorney knows this.... Mr. Morgenthau hired an 'international bounty hunter' to go out and get something on me."

Mr. Cohn turned to Thomas A. Bolan, who served with him as an Assistant U. S. Attorney and is now a member of Mr. Cohn's law firm and represented Mr. Cohn in court yesterday. They conferred briefly, and Mr. Cohn then said as the cameras continued to whine:

"It's a harsh disappointing, sorry situation. I will not be a sacrificial lamb for Mr. Morgenthau. This has been a case conceived by intimidation, threat and blackmail, a vendetta to get my scalp."

CO-DEFENDENT ABSENT

It came to light yesterday that the four defendants who pleaded guilty to stock fraud charges—the ones whom Mr. Cohn allegedly tried to keep from being indicted—were initially indicted in November, 1966, when Morton S. Robson was chief assistant U. S. Attorney. Mr. Robson, a Republican, later became U. S. Attorney, serving until the advent of the Kennedy administration.

The four were Samuel S. Gorfinkel, Irving Pasternak, Alfred Roen and Allen K. Swann. They had oil, hotel and stock promotion interests ranging from Evansville, Ind., to Las Vegas. Only Pasternak has been sentenced, getting 2½ years and a \$50,000 fine. Alexander Gorfinkel, arch stock swindler, implicated them.

Last yesterday's shuffle was N. Cohn's to defendant, Mr. Cohn. He will be arraigned in the same court on Wednesday, when Mr. Cohn was supposed to appear. But the latter, through his counsel, Mr. Bolan, petitioned the court to take his innocent plea yesterday.

Mr. Cohn was asked if he might be his own lawyer at the trial. His answer: "A man who serves as his own lawyer has a fool for a client, you know."

In his three-page statement attacking Mr. Morgenthau, in which he accused the latter of seeking "political revenge," Mr. Cohn concluded:

"I wholeheartedly believe in the American system of justice, and the investigations and other procedures which are parts of it."

"Abuses of these processes by Mr. Morgenthau, and by those above and below him, do not alter my fundamental belief in this system."

"It is still the people of America who judge truth and motive, and I willingly place this matter in their hands."

Mr. Morgenthau was asked if he cared to say anything about Mr. Cohn's comments outside of court. He issued this statement through an aid:

"The case against defendant Cohn is now before the court. His guilt or innocence will be decided at the proper time by a court and jury on the evidence presented."

"Therefore, the United States Attorney's office will have no comment on any statement issued by the defendant outside of court."

Even as Mr. Morgenthau was saying that he will fight Mr. Cohn in court—and nowhere else—Mr. Cohn was declining—as another TV crew ran out of film:

"I'm the victim of the day."



Herald Tribune photo by IRA ROSENBERG

ECHOES OF ANOTHER ERA—In a scene reminiscent of the days when he was chief counsel for the late Sen. Joseph R. McCarthy, Roy Cohn confronts the press yesterday after his arraignment on charges of testifying falsely before a grand jury and conspiring to obstruct justice. Mr. Cohn said it recalled the Army-McCarthy hearings.

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Roy Cohn vs. Bob Kennedy: The Great Rematch

Washington, Sept. 7 (NEWS Bureau)—The indictment of Roy M. Cohn this week on charges of perjury and tampering with witnesses before a grand jury was something considerably more than a routine federal indictment. It was the almost inevitable culmination of a sizzling feud the onetime wonder boy and Attorney General Robert Kennedy have been carrying on for almost a decade.

It was a feud in which, on at least one occasion, fists supplanted words. And it was a feud in which Bobby Kennedy, dealing increasingly from a position of strength, managed to have the last word.

Bobby's position of strength enabled him to tighten the noose on Cohn on Labor Day night, two days before the indictment was announced.

Super-Secret Meeting

News sources revealed today that Kennedy called a super-secret meeting of top Justice Department officials here Monday night. There was only one item on the agenda—the approaching indictment of Cohn.

U.S. Attorney Robert M.

Morgenthau was summoned here from New York and ordered to go ahead with the prosecution and to do everything he could to win the case against the bantam New York attorney.

The roster of Justice Department people present was an impressive one. The group included Nicholas B. Katzenbach, chief of the Criminal Division; William G. Hundley, special assistant to Kennedy and several other top Kennedy aids.

Probe Took 18 Months

The case against Cohn had been probed for 18 months. Three federal grand juries had pro-

ceeded it. Kennedy felt that the time to act was now.

Veteran observers here do not recall whether Kennedy and Cohn were ever particularly close. But whatever amity ever existed between the two ended definitely and violently on a day in June 1954, during Sen. Joseph McCarthy's row with the Army.

Cohn was McCarthy's chief counsel on the Senate subcommittee. Kennedy was counsel to the Democratic minority. At the moment, Cohn was a witness, testifying about a program that he and his aid, J. David Schine, were pushing for the improved

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ment of U.S. information operations, to liven them up in place of some of the dry stuff with which Communism was being combated, particularly overseas."

Saw Kennedy Laughing

Cohn noticed that Kennedy was laughing as he testified, and that Bobby kept tittering during subsequent testimony by other witnesses. Cohn became particularly angry because Kennedy was not only having great fun, but was feeding questions to Sen. Henry Jackson (D-Wash.), a member of the committee.

When the hearing broke up, Cohn confronted Kennedy and told him he thought his hearing-room maneuvers were "pretty dirty."

Kennedy shouted at Cohn: "Look. You and all your gang aren't going to stop me. I'll do as I please and if you don't like it, we can settle it outside."

Cohn is quoted as replying: "Fine, let's step outside now and settle it."

Senator Breaks It Up

In the corridor, the two committee lawyers started throwing punches. There weren't many and little physical damage was done. Sen. Karl E. Mundt (R-S.D.) broke it up. The fight was over but the feud had just begun.

Cohn's associates say that Bobby, through the years, has penned a whole series of derogatory remarks about Cohn in books and magazine articles.

Kennedy has never forgotten or forgiven. Not too long ago, both were house guests of singer Morton Downey, a close chum of all the Kennedys, in Hyannis Port.

At the airport, sources disclose, Bobby turned his back on Cohn.

But Cohn had a token of Kennedy's regard for him, that Wednesday—a federal grand jury indictment.



In this corner—Bobby K



And in this—Roy Cohn

Cohn Indicted

Roy M. Cohn graduated from law school at such an early age (20) that he had to wait a year to become a member of the bar. At 25, he was chief counsel of the late Senator Joseph McCarthy's investigating committee, where his aggressive treatment of witnesses attracted widespread criticism. One critic characterized Mr. Cohn as "precocious, brilliant—and arrogant." Minority counsel to that committee was Robert F. Kennedy, and relations between the two young lawyers were not cordial. Mr. Kennedy became chief counsel when Mr. Cohn resigned.

Mr. Cohn turned to finance. He had at one time leading roles in the operation of the Lionel Corporation and New York's Fifth Avenue Coach Line. He took a hand in the promotion of heavy-weight championship fights while continuing to practice law. His income reached \$250,000 a year.

Last week a Federal grand jury in New York indicted Mr. Cohn, now 36, on charges of perjury and conspiracy to obstruct justice. The indictment stems from an investigation into the possible bribery of public officials who in 1959 were conducting an inquiry into the manipulation of United Dye Corporation stock. The Securities and Exchange Commission had recommended a close look into the activities of four persons in particular, one of whom was a client of Mr. Cohn's. All four were subsequently indicted and pleaded guilty to stock juggling and other charges.

Various Charges

The Government contends that Mr. Cohn schemed to prevent the indictment of the four; that, in an investigation of his actions, he committed perjury; and that he caused threats to be delivered to one of the guilty four during a recent inquiry, inducing him to recant true testimony that he had given. Mr. Cohn could get 40 years and a \$36,000 fine. No date has been set for his trial.

Mr. Cohn demanded and got a speedy arraignment, at which he denied the accusations. At a press conference he hinted the Federal Government was out to "get" him. He suggested U.S. Attorney Robert Morgenthau was seeking "perjured testimony" against him in response to the wishes of his superiors. And he said that Mr. Morgenthau's only "superior" as far as he knew, was Robert Kennedy.

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McCarthy Teammate

A Decade Later, Roy Cohn Is the Accused

Roy M. Cohn, aggressive Communist-hunter of the McCarthy era, took the offensive again last week—in his own defense.

A young legal wizard who plunged into the world of finance after making headlines with the late senator, Mr. Cohn was indicted by a Federal grand jury on eight counts charging perjury and conspiracy to obstruct justice in a stock fraud case.

Returning to the very courtroom in which he had scored his earliest legal triumphs, he appeared as vigorous and as confident as he had when he argued as a Federal prosecutor on the opposite side of the bar of justice.

"How do you plead?" asked the clerk of the court, Gilbert Surdez. Boomed the 36-year-old Mr. Cohn: "I plead NOT guilty to each of the charges!"

'A Personal Vendetta'

Then he skipped off to stage three press conferences. At them, he charged that U. S. Attorney Robert Morgenthau had carried on a personal "vendetta" against him, "seeking perjured evidence" and pandering to a grudge held by Morgenthau's "superiors." Under questioning, he acknowledged that the only superior of Mr. Morgenthau's he knows of is Attorney General Robert Kennedy.

The Kennedy-Cohn feud dates back to 1954, when Mr. Cohn was serving as chief counsel and Mr. Kennedy as assistant counsel to the Senate Permanent Investigations subcommittee. Both were in their mid-'20s; both were ambitious and strong-willed. At one point they almost came to blows over the handling of the Army-McCarthy hearings under the controversial Wisconsin Republican, the late Sen. Joseph R. McCarthy.

Only 20 when he graduated from Columbia University Law School, Mr. Cohn had helped prosecute atomic spies Julius and Ethel Rosenberg for espionage and high-ranking Communist Party officials for conspiracy while he was an assistant U. S. attorney in New York. At 25, Democrat Cohn joined the Eisenhower Administration as special assistant to the Attorney General. He possessed just the credentials for fighting Communists that

Senator McCarthy was looking for in 1953.

His Search for Reds

After joining the subcommittee staff, he searched for suspected Communists at such diverse places as the Voice of America, the Government Printing Office, and Fort Monmouth, N.J., the Army's Signal Corps center. Witnesses quickly learned that his sleepy countenance masked a man of tremendous energy.

Soon he developed a close friendship with G. David Schine, son of a hotel tycoon and author of an anti-Communist pamphlet that was placed in every Schine hotel room. Young Schine joined the subcommittee staff as an unpaid consultant. All the people were in place for the biggest single storm of the McCarthy era.

A Cohn-Schine tour of U.S. Information Service facilities in seven European countries in 17 days drew widespread ridicule in the European press. But the Cohn-Schine team remained together until November 1953, when the Army drafted Mr. Schine. This brought about the Army-McCarthy hearings.

The Army charged that Senator McCarthy tried to use undue influence to have Mr. Schine commissioned and, failing that, to win special favors for him as a private. An Army report said Mr. Cohn had threatened that Secretary of the Army Robert T. Stevens would be "through" if Mr. Schine were sent over-

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seas. The subcommittee responded that the Army had used Mr. Schine as a "hostage" to force the investigators to end their inquiry into alleged Communist infiltration of the Army.

After 36 days of televised hearings, during which Mr. Cohn matched wits with soft-spoken New Englander Joseph N. Welch, counsel for the Army, Senator McCarthy's popularity began to fall. By a 4-3 vote the subcommittee asked Mr. Cohn to resign.

Disillusioned by his Washington experience, Mr. Cohn returned to New York as partner in the law firm of Saxe, Bacon & O'Shea. His practice brought him enormous profit; he earned an estimated \$250,000 a year, and his net worth climbed from about \$100,000 in 1956 to more than \$2,000,000 today.

But he possesses, by his own description, a penchant for "the sweet deal." In 1959 he headed a small group of men who gained control of the ailing Lionel Corp., a toy train manufacturer his great-uncle had founded years before. His successful maneuver here whetted his appetite for more. He took over Tower Acceptance Corp., a loan company, and Fifth Avenue Coach Lines, which operated bus lines in New York City. And he helped form Feature Sports, Inc., which promoted the Floyd Patterson-Ingemar Johansson fights of 1960 and 1961.

His business acumen soon earned him the reputation of a tough in-fighter, a man who could dish out trouble as well as take it. He needed every punch he could develop.

Lionel Loses Money

Lionel showed a profit in 1960, but lost money heavily the next two years. Lionel's acquisition of electronics companies brought troubles. In its three years under Mr. Cohn before he stepped down in May as chairman, it changed its chief executive officer five times. Tower acquired 10 companies, including a swimming pool builder and 5 travel agencies, but Mr. Cohn pulled out late last year because he was "not satisfied" with its performance. A bus drivers' strike brought seizure of Fifth Avenue Coach Lines by the City of New York shortly after Mr. Cohn entered the picture, and Mr. Cohn's boxing promotions have been beclouded by legal tangles with both private interests and Uncle Sam.

Mr. Cohn's business methods have often proved unorthodox. After taking over Lionel he was so impressed with Paul Hughes, a 31-year-old associate of Las Vegas gamblers and a person already in trouble with the law, that he brought Mr. Hughes to Lionel as an "executive assistant" at a \$24,000-a-year salary. In addition he loaned Mr. Hughes more than \$200,000 to buy Lionel stock in an agreement he admitted seven months later was "not yet reduced to writing."

Mr. Cohn's Las Vegas relationships provided the basis for his indictment last week. The indictment stems from the \$5,000,000 United Dye & Chemical Corp. stock-fraud case, in which a group of Nevada gamblers moved in on a legitimate company and allegedly defrauded investors.

The indictment charges that Mr. Cohn "entered into a scheme" to prevent three Las Vegas gamblers and an attorney for them from being named as defendants in an indictment in 1959. None was indicted then, but all four were indicted in 1961, and all pleaded guilty. The grand jury also charged that Mr. Cohn and six others

for the past 15 months conspired to present false testimony to the grand jury.

Mr. Cohn labeled the charges "personal revenge and retaliation." He explained that Mr. Morgenthau had long borne a grudge against him for hunting Soviet infiltration of the Treasury Department. He said Mr. Morgenthau's father, then Secretary of the Treasury, had accepted advice to deliver United States currency plates to Russia from Harry Dexter White, an assistant Secretary whose loyalty to the United States was later questioned.

To support his charge that Mr. Morgenthau had been hounding him in a "two-year campaign of slander, managed news leaks, harassment, and high-handed tactics," he handed down an 11-count bill of particulars. He said, among other things, that Federal officials had offered immunity to "gangsters and racketeers in order to get perjured evidence against me," and had hired a "free-lance, international bounty man" at a cost of "thousands of dollars" to search for information on him in the United States and abroad.

Would he name names? "I am prepared to name names—before any impartial body." Then he added, "I have certain documents."



Mr. Cohn and foe, Joseph Welch.



The late Sen. Joseph McCarthy confers with Mr. Cohn, then his aide, in the committee room at the Army-McCarthy hearings in 1954.



Mr. Cohn (left) and David Schine met the press at Rome while on their rapid tour of some U.S. European installations in 1953.

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Asks Cohn 'Frame' Charge Probe

Dallas, Tex., Sept. 8 (AP)—President Robert Morris of the Defenders of American Liberties,

a civil liberties group, urged today that a separate body investigate the claim by Roy M. Cohn that charges against him in a stock fraud case were trumped up and motivated by political revenge.

Cohn, once the chief aid to the late Sen. Joseph R. McCarthy, was indicted by a federal grand jury in New York City last Wednesday on charges of perjury and obstruction of justice in an investigation involving the sale of unregistered stock of United Dye & Chemical Corp.

He pleaded innocent and issued

a written statement listing 11 points intended to refute the government's case. Most of the points contended that U.S. Attorney Robert M. Morgenthau of New York wanted to "get something on Roy Cohn," and said he offered deals of leniency to defendants in some cases if they would help.

Morris wrote a letter to Morgenthau urging to join Cohn in asking that an independent body look into the 11 charges. He said most of Cohn's contentions could not be resolved during a trial and required outside determination.

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Art Buchwald at Home Save Roy Cohn!

WASHINGTON.

As soon as we read that Roy Cohn had been indicted for perjury and conspiring to obstruct justice, we formed a committee called "The Fund to Save Roy Cohn." Mr. Cohn didn't ask us to form such a committee and, knowing him, he might not even approve of this independent effort to save him. But ever since the McCarthy hearings, we, like so many other red-blooded Americans, have always said, "Ask not what Roy Cohn can do to you; but what you can do to Roy Cohn."

To get the ball rolling, we contributed five dollars to the fund, and then started soliciting other people in Washington. We assumed that the newspaper men in the nation's capital who had covered Mr. Cohn during the McCarthy days would be anxious to support the cause, and so we started with them. We went into the Herald Tribune Bureau where 14 correspondents were hard at work and said:

"Would any one here like to contribute to the Fund to Save Roy Cohn?"

There was dead silence in the bureau.

"I guess you didn't understand me. I'm trying to raise money for a defense fund for Roy Cohn."

"We heard you," one of the reporters said.

"Well?"

Dead silence again.

It was obvious that no one in the bureau was interested in justice, so we tried some of the other bureaus on the floor.

One veteran correspondent started laughing so hard we thought he was going to have an attack. Another bureau chief threw us out of his office, and a third said he didn't have any money on him, but we could count on him for \$25 if we came back on Thursday.

It was pretty discouraging but then someone pointed out the newspaper men aren't much for causes, and said, "Why don't you go over to the State Department? He was very much loved there."

So we took a taxi over to the State Department and started making the rounds of the offices.

"I'm trying to raise funds to save Roy Cohn," we told one official.

"Why? What did he do?" the official asked.

"He said he has been unjustly indicted by Robert Morgenthau for revenge purposes."

"How much would he get if he's found guilty?"

"Up to 40 years in prison."

"My goodness. But if I contribute, will I be sure he gets 40 years?"

"No, you don't understand. This fund is to save him, not to convict him."

"Oh, I'm sorry. I thought it was the other way around." And he tore up his check.

Another State Department official said he would like to help, but he had once met Mr. Cohn in Europe when he and Mr. Schine made their inspection trip.

Everywhere we went we were met with apathy and discouragement. The State Department people for some inexplicable reason couldn't see the value of the fund.

"Why don't you go over to the Department of the Army?" someone suggested. "They always had a warm spot for him there."

We rushed over to the Department of the Army and pleaded our case to several staff officers.

"What's he, some sort of Commie?" an officer asked.

"No, it's just the opposite. He tried to find Communists in the Army."

"We got no Communists in the Army," a general said.

"Yes, but Roy didn't know that at the time," we said.

They called two MPs and had us thrown out of the Pentagon.

We stopped a man on F Street and said we were raising money for the Fund to Save Roy Cohn.

He said, "I don't have much, but here's a buck."

We were so grateful we said, "Roy will never forget you."

"Roy?" he said. "I thought you said George Cohen, the Freedom Rider." And he grabbed back his dollar and walked away.

© 1962, New York Herald Tribune Inc.

Tolson ☒
DeLoach ☒
Mohr ☒
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65-58-5100 b7

The Washington Post and Times Herald _____
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58-5100-A SEP 10 1963

NOT RECORDED
191 SEP 17 1963

54 SEP 17 1963

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Post Office Denies It Tampered With Cohn's Mail

By EDWARD RANZAL

The Post Office Department denied yesterday that it had delayed, tampered with or opened the mail of Roy M. Cohn or his lawyer, Thomas A. Bolan.

Robert J. Hickey, head of the Postal Inspection Service, refused to discuss specifically Mr. Cohn's charge that his mail and Mr. Bolan's had been intercepted on orders of the Justice Department.

Mr. Hickey said, however, that since the eighteen-hundreds the Post Office had assisted law-enforcement agencies with a mail cover operation. This consists, he said, simply of recording the names that appear on envelopes; it causes no delays in delivery.

Under no circumstances, Mr. Hickey continued, would mail be delayed, tampered with or opened. A Federal statute prohibits this and a violator is subject to a five-year prison term and a \$500 fine.

It is believed that law-enforcement agencies use the addresses furnished by the Post

But Aide Says Department Has Long Cooperated With Law-Enforcement Units

Office for leads in investigating a crime.

The issue of intercepting and delaying mail was raised during the denaturalization proceedings against Frank Costello, the gambler. The Government admitted using a mail cover, but denied that letters had been opened or delayed. The court ruled that the mail cover was not illegal.

Mr. Cohn, former chief counsel to the Senate committee headed by the late Senator Joseph R. McCarthy, has charged that the interception of mail was unconstitutional.

He obtained an order from Federal Judge Archie O. Dawson for the Government to show cause why an indictment charging him with perjury and conspiracy to obstruct justice should not be dismissed. Argument will be heard before Judge Dawson on Feb. 28.

ment will be heard before Judge Dawson on Feb. 28.

The trial has been set for March 18. Mr. Cohn and a co-defendant, Murray E. Gottesman, also a lawyer, are charged with having lied before a grand jury investigating the United Dye and Chemical Corporation stock fraud. They are also accused of having attempted to prevent the indictment of four men in the case.

Legally, court observers explained, the question of interception and tampering could be raised at trial time. If the charge was proved true, a defendant could ask the court to suppress any evidence that stemmed from this operation.

United States Attorney Robert M. Morgenthau refused to comment on Mr. Cohn's charges. He said:

"I have absolutely no comment to make at this time. We will make our answer in court at the proper time. Following an order of the court, this office will not discuss the case except in open court proceedings."

(Indicate page, name of newspaper, city and state.)

29 NEW YORK TIMES

Date: 2/18/64
 Edition: LATE CITY
 Author: EDWARD RANZAL
 Editor: TURNER CATLEDGE
 Title: MORTON ROBSON FOR MER AUSA SDNY; ROY COH UNDER INVESTIGATION
 Character: BRIBERY
 or
 Classification: BU 58-5100
 Submitting Office: NYO

60 MAR 3 1964

NOT RECORDED
 128 MAR 3 1964

An Ignoble Part?

The aphorism that it takes a thief to catch a thief reflects more cynicism than truth. It is possible to enforce the law by lawful means—and by means consonant with civilized standards of decency and fair play. Americans ought to be jealous that the Government of the United States, at least, should respect the rights which it was instituted to secure.

We say this in connection with a charge formally made in a Federal District Court by Roy M. Cohn that the Government—the Federal Government—has been intercepting his mail and that of his lawyer for almost a year. He has presented to the Court what purports to be a copy of a special Post Office Department order marked "confidential" which directs the interception of all first-class letters addressed to the home of his lawyer.

Mr. Cohn, now under indictment for lying to a grand jury engaged in the investigation of a stock swindle, once served the Government himself in an investigatory role. It makes no difference that his methods then were not such as to command general admiration or an automatic acceptance of his allegations now. He is entitled to the full protection of the law. His charge must be thoroughly and fairly weighed.

It would be easier to dismiss this charge were it not for the fact that the Government of the

United States blatantly and callously admits that it intercepts telephone conversations in violation of an act of Congress. Does it also intercept first-class mail when some agency believes that the end justifies the means?

The answer to that question interests every American, not Roy Cohn alone. It tells a great deal about the climate of American life. Justice Oliver Wendell Holmes Jr. had something to say on the subject long ago:

It is desirable that criminals should be detected, and to that end all available evidence should be used. It is also desirable that the Government should not itself foster and pay for other crimes, when they are the means by which the evidence is to be obtained. . . . We have to choose, and for my part I think it a less evil that some criminals should escape than that the Government should play an ignoble part.

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The Washington Post and Times Herald

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New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

58-5100-A
NOT RECORDED
128 FEB 20 1964

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Mr. Tolson _____
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 Mr. Holloman _____
 Miss Gandy _____

Shoe on Other Foot

When Roy M. Cohn, former chief counsel for the late Senator McCarthy's investigating committee, cries out that he is being bullied, it is time to be alert. Cohn should be an authority on such matters.

He protests that the Post Office Department has been intercepting his mail for the Justice Department. He claims communications between himself and his lawyer have been intercepted, and cites this as grounds for dismissal of a federal perjury charge he faces.

Cohn's protest recalls the McCarthy days. He does not say the mail was opened, merely intercepted. In McCarthy days this was known as a "mail cover." McCarthy himself once protested a "mail cover" was being used on him.

Senators investigated the "mail cover" charge brought by McCarthy. They found his mail was intercepted long enough to learn with whom he had correspondence.

They found this a standard procedure of the FBI and other "proper investigative agencies of government." However, they made a reservation. They did not feel it should be employed against senators.

Cohn is not a U.S. senator, though there were times not long ago when he exercised all the prerogatives of one. Nor is he longer a U.S. Senate employee. So it looks as if he will have to suffer the routine indignities practiced by government in the interests of the greater good along with all the rest of us ordinary people.

(Indicate page, name of newspaper, city and state.)

10B Detroit News
 Detroit, Mich.

Date: 2/20/64
 Edition: 4 Star Final
 Author:
 Editor: Martin S. Hayder
 Title:

Character:
 or
 Classification:
 Submitting Office: Detroit

60 MAR 9 1964

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 NOT RECORDED
 128 MAR 9 1964

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PO Admits Watching Cohn's Mail for 11 Mo.

Robert J. Hickey, chief inspector in charge of the New York Division of the Postal Inspection Service, admitted in Federal Court yesterday that there had been a continuing watch on the mail of Roy Cohn and his attorney, Thomas A. Bolan, from March, 1963, until last Feb. 14.

Hickey testified at a hearing at which Cohn asked for dismissal of indictment charging him with perjury and obstruction of justice in alleged efforts to prevent the indictment of four men in a stock fraud case.

Cohn asked for the dismissal of the indictment on the ground that the government had been intercepting the mail of both men for almost a year.

In an affidavit, replying to the government's denial that it had ever opened or read mail addressed to Bolan or Cohn, Bolan said:

"Although this is the United States of America, the totalitarian-like tactics of the Department of Justice as presently administered make me wonder what is happening to our country."

Hickey said all the mail watches were authorized by the Internal Revenue Service.

The Washington Post and Times Herald _____
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune _____
 New York Journal-American _____
 New York Mirror _____
 New York Daily News 14 _____
 New York Post _____
 The New York Times _____
 The Worker _____
 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Date _____

NOT RECORDED

128 MAR 6 1964

61 MAR 9 1964

FEB 29 1964

U.S. Judge Rips Use Of Cohn 'Mail Cover'

The U. S. Attorney's office took a sharp rapping from a Federal judge yesterday for putting a "mail cover" on Roy Mr. Cohn's lawyer.

"I think it's terrible," said Federal Judge Archie O. Dawson. "It smacks of Russia, not the United States."

His comment came after Asst. U.S. Atty. Gerald Walpin admitted his office had requested the Post Office Dept. to keep a record of the mail received by Mr. Cohn, his lawyer, Thomas A. Bolan, and James J. Driscoll, a partner in Mr. Cohn's law firm.

Judge Dawson tentatively denied a defense motion to dismiss a perjury and conspiracy indictment against Mr. Cohn, a former assistant U.S. Attorney.

He is charged with trying to obstruct justice in the Government's prosecution of a multi-million-dollar stock fraud case last year.

3½-HOUR HEARING

The ruling from Judge Dawson came after a 3½-hour hearing to determine whether the Government had used questionable ways of getting information on Mr. Cohn's defense through his attorney.

Asked by Judge Dawson why the mail cover between early September and late December was authorized, Mr. Walpin replied:

"We had information that Bolan was trying to improperly influence Government witnesses."

Under questioning by Judge Dawson, Mr. Walpin finally admitted that the Government got no useful information from the mail cover and that the mail wasn't read.

The Judge then characterized the prosecutor as "overzealous."

Mr. Bolan then directed questions at Mr. Walpin and eventually drew Judge Dawson's criticism for "stalling".

The Judge adjured him to

keep his questions confined to pertinent matters nad ridiculed Mr. Bolan's contention that he was being harassed.

"Counsel is harrasing the court," the Judge observed. "I think this is just a stall." Judge Dawson said he would accept a memorandum of law from Mr. Bolan Tuesday at 4 p.m., but that in all probability the case would go to trial March 16.

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New York Journal-American 3-6 _____
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New York Post _____
The New York Times _____
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The Wall Street Journal _____
The National Observer _____
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NOT RECORDED
128 MAR 1 1964

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File 6

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UPI-123

(COHN)
 NEW YORK--FEDERAL JUDGE ARCHIE O. DAWSON TODAY DENIED A MOTION TO DISMISS A CONSPIRACY-PERJURY INDICTMENT AGAINST ATTORNEY ROY M. COHN.

DAWSON ALSO DENIED A DEFENSE MOTION FOR THE SUPPRESSION OF ANY EVIDENCE WHICH THE GOVERNMENT MIGHT HAVE OBTAINED AS A RESULT OF INTERCEPTION OF MAIL TO BOTH COHN AND HIS ATTORNEY, THOMAS A. BOLAN. "IT IS SHOCKING TO THE CONSCIENCE TO THINK THAT THE GOVERNMENT, AFTER AN INDICTMENT IS FILED, MAY PUT A MAIL WATCH ON THE ATTORNEY FOR THE DEFENDANT WHICH MIGHT, IN SOME CASES, POSSIBLY LEAD TO DISCOVERY OF STEPS DEFENSE COUNSEL WAS USING IN PREPARING FOR TRIAL," DAWSON SAID.

BUT HE NOTED THERE WAS NO INDICATION THAT ANY SUCH RESULT CAME FROM THE MAIL WATCH IN QUESTION, AND FOUND THERE WAS NO VIOLATION OF COHN'S CONSTITUTIONAL RIGHTS. THE GOVERNMENT HAD ADMITTED THAT IT WATCHED MAIL ADDRESSED TO COHN AND BOLAN BUT DENIED IT HAD OPENED ANY OF THE ENVELOPES OR READ ANY OF THE MAIL.
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 123 MAR 19 1964

WASHINGTON CAPITAL NEWS SERVICE

Mail Cover²¹

U. S. Accuses Cohn Counsel

HOW COULD the U. S. Attorney's office maintain a mail cover on Roy Cohn and Cohn's attorney, Thomas A. Bolan? Here's how: Once the U. S. Attorney requests a mail cover, the postal inspector adheres to Title 39 of the United States Code, Section 3523 (a) (2) (K), which says that the inspector "in any criminal investigation . . . presents facts to the U. S. Attorney's office and collaborates as required with Federal and State prosecutors . . ." Further, a Subchapter of the Postal Manual governs the duties of postmasters and, in Part 831.44 entitled "Mail Cover," says, "Requests by postal inspectors . . . for information regarding the addresses, return cards or post marks on mail, must be treated in strict confidence and complied with carefully and accurately. In obtaining the information, do not delay delivery of mail."

By Milton Lewis
Of The Herald Tribune Staff

The Federal government yesterday accused Thomas A. Bolan, Roy M. Cohn's lawyer, of "attempting improperly to influence government witnesses."

It was for that reason, according to a memorandum filed in Federal Court, that U. S. Attorney Robert M. Morgenthau's office had a mail cover on Mr. Cohn and Mr. Bolan. Mr. Cohn is under indictment for perjury and conspiracy to obstruct justice in a huge stock swindle.

As for Mr. Bolan, in papers he filed yesterday in hopes of getting the Cohn true bill quashed of the mail cover, he called the allegation that he tried to influence prosecution witnesses "a complete phony."

Judge Archie O. Dawson indicated last Saturday, after two days of hearings on the Cohn motion to dismiss the indictment, that he was inclined not to grant the defense request because there was no proof that anybody's mail had been opened. At the same time, the judge who

is scheduled to conduct the trial, set for March 18, called the government's mail interception "shocking" and smacking of Russian tactics.

Yesterday opposing sides submitted memorandums of law, and after Judge Dawson studies these he will make a final decision on his Saturday tentative ruling not to throw the indictment out. This decision is expected shortly.

In his papers yesterday, Mr. Bolan, 39, and a former assistant U. S. Attorney with Mr. Cohn, 37, alleged that a mail watch on him and on his client might intimidate defense witnesses. The Cohn prosecution has been handled by Assistant U. S. Attorney Gerald Walpin, and Mr. Bolan contended:

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Sullivan ☒
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Trotter ☒
Tele Room ☒
Holmes ☒
Gandy ☒

File 6-
58-5100
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The Washington Post and Times Herald
The Washington Daily News
The Evening Star
New York Herald Tribune 21
New York Journal-American
New York Mirror
New York Daily News
New York Post
The New York Times
The Worker
The New Leader
The Wall Street Journal
The National Observer
People's World

Date

58-5100-A MAR 4 1964

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128 MAR 17 1964

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Cohn: Bobby and I Stepped Outside

By BOB WILLIAMS

Roy Cohn said today that he and Robert F. Kennedy had a "virtual fist fight" in a Capitol corridor 10 years ago—and insisted that all his current trouble with the federal government springs from that time.

He has been the victim of a "gang-up" in which Kennedy waged "attacks on me" in books and other fields, ending last week, Cohn said, with his indictment for perjury and tampering with witnesses.

"It happened during the Army-McCarthy hearings," Cohn told interviewer Barry Gray on WMCA. "I guess Kennedy didn't like me."

Asked why the alleged animus developed, Cohn snapped, "Aren't you being silly? Everyone who's followed history knows the Attorney General hates my guts."

"I went to work for McCarthy as chief counsel. Kennedy went to work as counsel. We had wide differences. They grew and grew until we had a virtual fist fight."

Charged 'Dirty' Tactics

Gray read a published report of the battle which reputedly began when Kennedy, counsel for the Democratic minority on the Senate committee allegedly snickered during testimony by Cohn. When the hearing ended, Cohn accused Kennedy of using "pretty dirty" tactics.

According to the story, Kennedy insisted he'd do as he pleased and that "if you don't like it we can settle it outside," whereupon Cohn accepted.

They slugged it out briefly in the corridor, doing a minimum of damage before Sen. Mundt intervened, according to

the report.

During more than an hour interview with Gray, Cohn reiterated charges that the Justice Dept. was using "Gestapo and police-state methods" as part of "a plot to get me by" U. S. Attorney Morgenthau and his "superiors."

Couldn't See Parallel

Gray said many people feel Cohn is now getting the same kind of treatment dished out to many of the witnesses before the rough-riding McCarthy committee—but Cohn could see no parallel.

"We were dealing with threats to security and in the right to believe in God," Cohn explained. "This was a pretty serious condition." He added that witnesses had rights of counsel and other rights which the committee tried to respect.

"I just don't believe in the abuse of government power," Cohn said.

"When I see what's happening in the Hoffa case and other things, he told Gray, "I think we did a pretty good job in keeping things in balance."

Kennedy's case against him would "make Sen. McCarthy look pale by comparison," the attorney-industrialist said.

Cohn was indicted for an alleged attempt to quash charges in a federal inquiry into the United Dye and Chemical Corp.

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Miss Holmes _____
Miss Gandy _____

(Indicate page, name of newspaper, city and state.)

3 NEW YORK POST

Date: 9/10/63
Edition: LATE CITY
Author: BOB WILLIAMS
Editor: DOROTHY SCHIFF
Title: MORTON ROBSON FORMER
AUSA SDNY; ROY COHN
UNDER INVESTIGATION
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

57 SEP 16 1963

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UPI-223

(COHN)

NEW YORK--FEDERAL JUDGE ARCHIE O. DAWSON TODAY WAS NAMED TO HEAR ALL ASPECTS OF THE GOVERNMENT CASE AGAINST ROY M. COHN, FORMER CONGRESSIONAL INVESTIGATOR UNDER THE LATE SEN. JOSEPH MCCARTHY. DAWSON WAS NAMED BY CHIEF FEDERAL JUDGE SYLVESTER RYAN IN RESPONSE TO A PETITION BY COHN THAT ONE JUDGE HANDLE THE ENTIRE CASE. COHN IS ACCUSED OF PERJURY AND CONSPIRACY TO OBSTRUCT JUSTICE IN A STOCK FRAUD CASE INVOLVING THE UNITED DYE AND CHEMICAL CORP. DAWSON WAS APPOINTED TO THE FEDERAL BENCH DURING THE EISENHOWER ADMINISTRATION AND IS A REPUBLICAN.

IN AN AFFIDAVIT FILED WITH THE COURT TODAY, COHN'S ATTORNEY SAID THE TRIAL WOULD LAST AT LEAST TWO TO THREE MONTHS, WITH AT LEAST 50 WITNESSES AND HUNDREDS OF EXHIBITS. LAWYER THOMAS A. BOLAND ALSO PREDICTED THAT THERE WOULD BE A NUMBER OF PRE-TRIAL MOTIONS FILED BY COHN.

BOLAND SAID THE INDICTMENT "PRECIPITATES A VERY COMPLICATED SET OF FACTUAL AND LEGAL ISSUES."

THE INDICTMENT WAS TERMED BY COHN'S AFFIDAVIT "A VICIOUS PIECE OF DECEPTION" THAT REVEALED THE "SINISTER TECHNIQUES" EMPLOYED BY THE PROSECUTORS IN AN EFFORT TO "RUIN THE CAREER AND REPUTATION OF MR. COHN."

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 191 SEP 19 1963

64 SEP 19 1963

WASHINGTON CAPITAL NEWS SERVICE

To Name Judge For Cohn Trial

Chief Federal Judge Sylvester J. Ryan may name today the judge who will preside at the Roy M. Cohn perjury and conspiracy to obstruct justice trial.

Last Thursday, one day after he was indicted and pleaded innocent, Mr. Cohn petitioned for one judge to handle all aspects of the case, including motions prior to the trial, for which no date has been fixed.

Yesterday, Assistant U. S. Attorney Gerald Walpin advised Judge Ryan that the government had no objection to the assigning of one judge to handle all matters in the Cohn case.

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The Washington Daily News _____
The Evening Star _____
New York Herald Tribune 5 _____
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New York Mirror _____
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New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____

58-5100-A

NOT RECORDED

191 SEP 17 1963

SEP 13 1963

54 SEP 17 1963

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DAWSON IS NAMED COHN CASE JUDGE

Motion for Special Handling
Is Granted by Court

By EDWARD RANZAL

Federal Judge Archie O. Dawson was designated yesterday to preside over all legal matters pertaining to the case of Roy M. Cohn, who is charged with perjury and obstruction of justice. Judge Dawson was selected by Chief Judge Sylvester J. Ryan, who granted a motion by Mr. Cohn for the appointment of a "particular" judge in his case under Rule 2 of the General Rules of the District Court.

The granting of the motion did not mean that Mr. Cohn was given the right to name the judge in the case. Rather, it meant that Judge Ryan named a judge he considered particularly able to handle details of the case.

A Republican appointee of former President Dwight D. Eisenhower, Judge Dawson has the reputation of running a strict court and meting out severe prison sentences.

The Government did not object to the designation of a particular judge under Rule 2, which provides for such appointments in protracted cases where novel questions of law are to be introduced and where there will be many pretrial motions.

The Government said, however, that Mr. Cohn's case did not meet the requirements of Rule 2.

In granting Mr. Cohn's motion, Judge Ryan said: "Judge Dawson is designated as a Rule 2 judge and all matters and proceedings heretofore had shall be placed before him."

In papers submitted to Judge Ryan before his decision, Mr.

Cohn, former chief counsel to the Senate Subcommittee on Investigations under the late Senator Joseph R. McCarthy, again accused United States Attorney Robert M. Morgenthau of "gross misconduct" and "foul play" in his handling of the Cohn indictment.

Mr. Cohn charged that "the indictment itself is a vicious piece of deception," and that "sinister techniques" had been employed by Government prosecutors to ruin his "career and reputation."

He asserted that the indictment accused him of entering into a scheme with Samuel S. Garfield, an oil promoter, to prevent the indictment of Garfield and three others in a stock fraud case involving the United Dye and Chemical Corporation.

The Government, he said, accused him of dealing with Murray E. Gottesman, a lawyer named as a defendant in the Cohn indictment, who in turn got in contact with former Chief Assistant United States Attorney Morton S. Robson to prevent the four from being indicted.

An indictment was returned in 1959 in the United Dye case in which the four men were named as co-conspirators, but not defendants. Mr. Cohn said that Mr. Morgenthau had omitted the fact that while Mr. Robson was still in office an indictment was returned against the four. He charged Mr. Morgenthau with "maliciously distorting the truth."

A superseding indictment was obtained after Mr. Morgenthau took office in 1961, embracing two previous indictments and adding additional charges and defendants.

Thomas A. Bolan, one of Mr. Cohn's law partners, said, in the papers submitted to the court, that Mr. Cohn desired "as speedy a trial as is possible." He said that the case was long and involved and that the trial would probably take two to three months.

(Indicate page, name of newspaper, city and state.)

26 NEW YORK TIMES

Date: 9/14/63

Edition: LATE CITY

Author: EDWARD RANZAL

Editor: TURNER CATLEDGE

Title: MORTON ROBSON, FORMER

AUSA SDNY; ROY COHN

BRIBERY

Character: UNDER

or INVESTIGATION

Classification: BU#58-5100

Submitting Office: NYO

158-5100-A

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191 SEP 24 1963

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 Miss Holmes _____
 Miss Gandy _____



WILLIAM F. BUCKLEY, JR.

The Roy Cohn Case And Bobby Kennedy

BY WILLIAM F. BUCKLEY, JR.

THE SUMMER before he died, George Sokolsky telephoned to Roy Cohn and his associate Thomas Bolan, summoning them to his summer place in Otis, Mass.

Cohn, at 35, weatherbeaten with notoriety, wealth, corporate and personal intrigue; Bolan, 38, also a lawyer, tough, idealistic, a successful sports promoter (Patterson-Ingo, Patterson-Linton), a devoted anti-Communist conservative, went to hear what the aging autocrat had to say.

WHAT SOKOLSKY had to say was this: that the day before he had learned, on undeniable authority, that Robert Kennedy, our Attorney General, had been overheard to vow that there were two personal ambitions he hoped to fulfill before leaving office, namely, to put Jimmy Hoffa and Roy Cohn behind bars. Hoffa, as we know, has spent most of his time in recent months in court; and now, one year later, Cohn had been indicted.

This column is not about who does and who doesn't belong in jail, Hoffa, Cohn, or Kennedy. It is, rather, a reflection, on a matter of more general concern, the awesome power of the forces that tend to develop in a society in which great power accumulates in individual officeholders.

Cohn, after all, has not yet been tried, and it is proper to speak of him as innocent. I happen to believe, on the basis of the considerable evidence I have examined, that a jury will in due course confirm his innocence. The point here is that there seems to be little doubt that he has been subjected to a very special kind of harassment that almost surely resulted from an inordinate appetite on the part of very powerful men, for his controversial scalp.

Cohn has itemized 11 instances of the kind of thing he has had to put up with. In its

anxiety to get him, the U.S. Attorney's office in New York, which three weeks ago persuaded a grand jury to indict him for conspiracy to obstruct justice and perjury in connection thereto, allegedly 1—patronized professional bounty hunters; 2—offered felons forgiveness if they would give evidence—presumably whether true or false—against Cohn; 3—offered to go easy on defendants if they would "cooperate" against him; 4—leaked notices to the press implicating Cohn with multifarious venalities; and 5—constipated his professional life by subpoenaing his working records over a great stretch of time—even to the point of exquisite irony!

"AS A PART of the program of harassment," Cohn elucidates, "the Internal Revenue Service was ordered in to join the chase. However, since my records had been seized by Mr. Morgenthau (the U.S. Attorney in New York who is in charge of Cohn's prosecution, and the proximate agent of his alleged persecution), I could not supply them. The confusion that developed from these rival attempts to get something on me resulted in the Internal Revenue Service actually serving a subpoena on June 19, 1963, on Mr. Morgenthau's office to get my records."

Senator Eastland, Chairman of the Judiciary Committee of Congress, is quietly considering Cohn's charges, with the view to activating a subcommittee to make a formal investigation.



Roy Cohn

9A Detroit Free Press
Detroit, Mich.

Date: 9/23/63
 Edition: Metro Final
 Author:
 Editor: Lee Hills
 Title:

Character:
 or
 Classification:
 Submitting Office: Detroit

57 OCT 1 1963

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Here We Go Again!

THE summer before he died, George Sokolsky telephoned Roy Cohn and his associate, Thomas Bolan, summoning them instantly to his summer place in Otis, Mass. Mr. Sokolsky was an imperious man. And so they set out, Mr. Cohn, at 35, weather-beaten with notoriety, wealth, corporate and personal intrigue; Mr. Bolan, 38, also a lawyer, tough, idealistic, a successful sports promoter (Patterson-Ingo, Patterson-Liston), a devoted anti-communist conservative.

Obediently they went to hear what the aging autocrat had to say, because it was Mr. Sokolsky who had recommended Mr. Cohn to Sen. McCarthy as his assistant; and it was while both young men were working for McCarthy that Roy Cohn and Robert Kennedy developed a passionate mutual antipathy.

What Mr. Sokolsky had to say was this: that the day before he had learned that Robert Kennedy, our current Attorney General, had been overheard to vow that there were two personal ambitions he hoped to fulfill before leaving office, namely, to put Jimmy Hoffa and Roy Cohn behind bars. Mr. Hoffa, as we know, has spent most of his time in recent months in court; and now, one year later, Mr. Cohn has been indicted.

This column is not about who does and who doesn't belong in jail. Let us assume they all belong out of jail—including Mr. Kennedy—at least until a jury of their peers is otherwise convinced. It is, rather, a reflection on a matter of more general concern, the awesome power of the forces that tend to develop in a society in which great power accumulates in individual officeholders.

The point here is that there seems to be little doubt that Mr. Cohn has been subjected to a very special kind of harassment that almost surely resulted from an inordinate appetite on the part of very powerful men for his controversial scalp.

Mr. Cohn has itemized 11 instances of the kind of thing he has had to put up with. In its anxiety to "get" him, the U. S. Attorney's office in New York, which three weeks ago persuaded a grand jury to indict Mr. Cohn for conspiracy to obstruct justice and perjury in connection thereto, allegedly

(a) Patronized professional bounty hunters.

(b) Offered felons forgiveness if they would give evidence—presumably whether true or false—against Mr. Cohn.

By William F. Buckley Jr.

(c) Offered to go easy on defendants if they would "cooperate" against him.

(d) Leaked notices to the press implicating Mr. Cohn with multifarious venalities.

(e) Constipated his professional life by subpoenaing his working records over a great stretch of time—even to the point of exquisite irony! "As a part of the program of harassment," Mr. Cohn elucidates, "the Internal Revenue Service was ordered in to join the chase. However, since my records already had been seized by Mr. Morgenthau (the U. S. Attorney in New York who is in charge of Mr. Cohn's prosecution), I could not supply them. The confusion that developed from these rival attempts to get something on me resulted in the Internal Revenue Service actually serving a subpoena on June 19, 1963, on Mr. Morgenthau's office to get my records."

Former Judge Robert Morris, who is president of an organization known as The Defenders of American Liberties—a sort of conservative-oriented American Civil Liberties Union—has written to Mr. Morgenthau to suggest that Mr. Cohn's charges against the Justice Department be seriously considered. The public confidence in the processes of justice cannot, Mr. Morris points out, stand the leveling of such charges as Mr. Cohn's without an impressive rebuttal to them.

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 People's World _____

141 OCT 2 1963

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But Mr. Morgenthau apparently does not believe in answering inquiries concerning his conduct of the Cohn case. He has thus far treated Mr. Morris the same way he treated Mr. Cohn's persistent efforts over the preceding months to get Mr. Morgenthau to explain himself—with silence.

But Mr. Morris' suggestion for an investigation of the behavior of the Justice Department did not fall everywhere on ears as deaf as Mr. Morgenthau's. Sen. Eastland, chairman of the Judiciary Committee of Congress, is quietly considering them, with the view to activating a sub-committee to make a formal investigation.

And if that happens, God help us, there we'll be again, with 45 consecutive days of TV, a Senate investigating committee, Roy Cohn, Bobby Kennedy, and the Executive Branch—a sobering prospect.

But it is one we should nevertheless be prepared to put up with, if only to serve notice on Attorney General Trujillo that it is not yet a crime, under the Penal Code, merely to displease a member of America's royal family.

If you don't hear from me next week, come and get me!

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File 6 - [REDACTED] b7c

UPI-157

(COHN)

NEW YORK--ATTORNEY ROY M. COHN, WHO FIGURED IN THE 1953 ARMY-MCCARTHY HEARINGS, CHARGED TODAY THE GOVERNMENT HAD "TAINTED" THE DELIBERATIONS OF A GRAND JURY WHICH INDICTED HIM LAST MONTH ON CHARGES OF PERJURY AND OBSTRUCTING JUSTICE. COHN MADE THE CHARGE IN A MOTION TO FEDERAL JUDGE ARCHIE O. DAWSON TO DISMISS THE CHARGES. COHN SAID THE GOVERNMENT VIOLATED THE CODE OF LEGAL ETHICS BY LEAKING INFORMATION OUT OF THE GRAND JURY HEARINGS IN A "DELIBERATE ATTEMPT TO INFLAME AND PREJUDICE" THE PUBLIC AND THE JURY AGAINST HIM.

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Roy Cohn Slams U.S., Asks Case Be Killed

Charging that the government "has gone far in scraping the barrel in its efforts to bring charges," lawyer Roy M. Cohn yesterday filed a bulky legal package in Federal Court asking dismissal of an indictment accusing him of perjury and obstruction of justice.

Cohn and another attorney, Murray E. Gottesman, were indicted in September on charges of trying to prevent the naming of four men for fraud involving the stock of the United Dye & Chemical Corp.

Calls Rights Violated

Cohn's lawyer, Thomas A. Bolan, argued that the grand jury which indicted Cohn had violated the Federal rules of criminal pro-

cedure and Cohn's right "to a secret and unbiased hearing."

Complaining of government "leaks to mass news media," Bolan said the prosecution's behavior in the case violated the canons of professional ethics "and unleashed an unparalleled campaign of inquest by press."

As long ago as March, 1961, according to the motion, Walter

Sheridan, special assistant to U. S. Attorney General Robert Kennedy, told a newsmen: "Don't kid yourself—we'll get Roy Cohn sooner or later."

Bolan also said that Sheridan "gave substance to speculation by repeating and thereby publishing defamatory statements long before a grand jury could determine their inapplicability to Cohn."

Judge Archie O. Dawson took Cohn's motion under advisement.

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The Washington Post and Times Herald _____
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 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Date _____

NOV 8 1963

Roy Cohn Charges Grand Jury With Operating in a Fish Bowl

By Milton Lewis

Of The Herald Tribune Staff

The Federal grand jury that indicted Roy M. Cohn operated not privately, but in a fish bowl, he charged yesterday.

As far back as March, 1961, he contended in demanding that the perjury and conspiracy to obstruct justice indictment against him be dismissed, one of Attorney General Robert F. Kennedy's aids told a press representative:

"Don't kid yourself—we'll get Roy Cohn sooner or later."

Mr. Cohn, chief counsel to the McCarthy Senate Investigating Committee in 1953, was accused two months ago with another lawyer, Murray E. Gottesman, of conspiring to prevent the indictment in 1959 of four persons involved in the manipulation of United

Dye & Chemical Corp. stock.

The four subsequently were indicted and pleaded guilty. Three of them testified before the grand jury that indicted Mr. Cohn, 36, and Mr. Gottesman, 56. Both Mr. Cohn and Mr. Gottesman also testified before the same grand jury and in doing so, according to the indictment against them, they committed perjury.

In a fistful of papers filed Tuesday with Federal Judge Archie C. Dawson, Mr. Cohn, through his law associate, Thomas A. Bolan, maintained that the government violated the canons of professional ethics in that it "unleashed an unparalleled campaign of inquest by press." He also alleged considerable "news leaks" and asked that the court cite for contempt "the persons responsible."

Mr. Bolan charged that publicizing the "leaks" constituted a contempt, but he took the view that government aids made it possible, noting:

"The conduct of the government representatives is, then, far more deserving of censure than that of the newspapers. Indeed, the acts of the newspapers might perhaps be forgiven; they had the excuse that they merely printed what they learned from high government officials. For the officials, however, there can be no excuse."

And Mr. Bolan contended it was "established" that Walter Sheridan, an investigator on Attorney General Kennedy's staff, "gave substance to speculation by repeating and thereby publishing defamatory statements long before a grand jury could determine their inapplicability to defendant Cohn."

And it was to Mr. Sheridan that the motion papers attributed the remark:

"Don't kid yourself—we'll get Roy Cohn sooner or later."

Judge Dawson, who has been assigned to hear all motions in the case—as well as the trial itself—was also advised:

"We seek by this motion to vindicate the proper administration of justice and to restore to defendant Cohn a right of which he was needlessly deprived, the right to a secret hearing in untainted air."

U. S. Attorney Robert Morgenthau has two weeks in which to file rebuttal papers.

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141 NOV 8 1963

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The National Observer _____
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Date _____

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COHN CHARGES U.S. LEAKED JURY DATA

Attacks Federal Lawyers in
Plea to Dismiss Case

By EDWARD RANZAL

Roy M. Cohn charged yesterday that a special assistant to Attorney General Robert F. Kennedy and a lawyer for the Securities and Exchange Commission had leaked information to news media to inflame the public and a Federal grand jury investigating him.

Mr. Cohn made the contention the basis of a motion presented to Federal Judge Archie O. Dawson to dismiss an indictment charging him with perjury and conspiracy to obstruct justice. The defendant had served as chief counsel to the Senate investigating subcommittee when it was headed by the late Senator Joseph R. McCarthy.

He asked that the two Government officials be held in contempt of court for violating grand jury secrecy, even if his motion should be denied. The officials he named were Walter Sheridan, special assistant to the Attorney General, and Edward Jaegerman, counsel for the S.E.C.

A similar motion was made before Judge Dawson last year by J. Truman Bidwell, who was later acquitted of income tax evasion charges by a jury. Mr. Bidwell was chairman of the

Indicate page, name of newspaper, city and state.)

1 NEW YORK TIMES

Date: 11/5/63
Edition: LATE CITY
Author: EDWARD RANZAL
Editor: TURNER CATLEDGE
Title: MORTON ROBSON FOR
ER AUSA SDNY; ROY COHN
UNDER INVESTIGATION
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

58-5100-A
NOT RECORDED
141 NOV 12 1963

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74 NOV 12 1963



The New York Times

ASKS DISMISSAL: Roy M. Cohn, who moved in Federal Court for quashing of an indictment against him.

board of governors of the New York Stock Exchange. He complained that before he was indicted some newspapers printed stories about a grand jury investigation of him. He accused Government officials of inspiring the stories. However, he was unable to name any officials.

Judge Dawson dismissed Mr. Bidwell's motion because he was unable to particularize. However, the judge criticized Government officials who breached grand jury secrecy.

Mr. Cohn was indicted Sept. 4 with Murray E. Gottesman, also a lawyer, on charges of complicity to prevent the indictment of four men in a stock fraud case involving the United Dye & Chemical Corporation.

Judge Dawson was selected

by Chief Judge Sylvester J. Ryan to handle all aspects of the case. Mr. Cohn filed a series of motions yesterday. The Government has two weeks to reply. Judge Dawson will probably not hear argument, but will decide the issues presented in the papers filed. The case is not expected to go to trial before the early spring.

The motions were presented by Thomas A. Bolan, Mr. Cohn's associate in the law firm of Saxe Bacon & O'Shea. Mr. Cohn was said to be still seeking outside counsel to represent him.

In March, 1961, Mr. Cohn said Mr. Sheridan told three members of the staff of The New York Journal-American that Mr. Cohn had given the late Senator George H. Bender, Republican of Ohio, a \$100,000 bribe to quash the United Dye case. Mr. Cohn noted that his name was not mentioned during the United Dye trial in connection with testimony about the bribe.

On March 23, 1961, Mr. Cohn said, Mr. Sheridan told the three newspapermen: "Don't kid-

nap, we'll get Roy Cohn sooner or later."

A month later Mr. Jaegerman was said by Mr. Cohn to have given the same information concerning the alleged Bender bribe to Journal-American reporters.

One of these reporters left the newspaper in July, 1961, to join the news department of the National Broadcasting Company. Thereafter, the reporter was allegedly informed of progress in the investigation of Mr. Cohn by former Assistant United States Attorney Irving Younger, "who was assigned to make a case on Cohn by Sheridan among other superiors."

Mr. Cohn also charged that Government officials leaked information to Drew Pearson, a columnist, and to The Washington Post and other newspapers across the country. He accused Government officials of encouraging persons involved in the United Dye case to talk frankly with reporters from Life magazine. He said "prejudicial" information was given by the Justice Department to The Wall Street Journal.

(Mount Clipping in Space Below)

U.S. DENIES LEAKS IN ROY COHN CASE

Answer Opposes Dismissal
of Federal Indictment

By EDWARD RANZAL

The Government denied yesterday that any official had leaked information to news media concerning the activities of the Federal grand jury that indicted Roy M. Cohn on charges of perjury and conspiracy to obstruct justice.

Mr. Cohn, former chief counsel to the Senate Investigating Committee under the late Sen. Joseph R. McCarthy, has asked that the indictment be dismissed because Government officials, "inflamed the indicting grand jury" by leaking information concerning the hearings it was conducting.

He named three officials, two of whom still work for the Government, as the persons responsible for the news leaks.

The Government filed its answer yesterday with Federal Judge Archie O. Dawson in opposing dismissal of the indictment. It called Mr. Cohn's accusations "baseless" and categorically denied that the three officials had leaked information.

Sees Charge Rejected

Gerald Walpin, assistant United States attorney, said in the papers that "this is, in substance, the same baseless accusation made by Cohn, without specification, in his release to the press shortly after the indictment was voted."

Mr. Walpin contended that the "accusation is devoid of the slightest merit." He added that an inquiry showed that no Government official leaked any information and that no medium of the press published information during the period the indicting grand jury was in existence concerning its activities.

"It is readily apparent," Mr. Walpin continued, "that Cohn's accusation regarding so-called leaks is merely one facet of his broader accusation that this indictment was obtained because of a personal feud between the Attorney General and Cohn and the United States Attorney and Cohn. This charge is completely unfounded."

Attached to the papers were three affidavits by the officials named by Mr. Cohn and a fourth by Chief Assistant United States Attorney Vincent Broderick, which said that Mr. Cohn had told him that there was no basis for the story that Mr. Cohn had a feud with Attorney General Robert F. Kennedy or United States Attorney Robert M. Morgenthau.

The three officials "categorically" denied that they had ever furnished information to any representative of the press. They were Walter J. Sheridan, special assistant to the Attorney Gen-

eral, Edward C. Jaegerman, attorney for the Securities and Exchange Commission, and Irving Younger, former assistant United States attorney.

"There is absolutely no basis even to suggest that this indictment was filed for any reason but that the grand jury sincerely believed the evidence warranted the indictment," Mr. Walpin asserted.

Judge Dawson will decide the motion on the basis of the papers submitted by both sides. Mr. Cohn has asked that if the case goes to trial that it be tried in March. The Government has asked for a February trial.

The indictment grew out of a grand jury investigation of illegal activities in connection with the United Dye and Chemical Corporation stock fraud case. Mr. Cohn and a co-defendant, Murray E. Gottesman, also a lawyer, are accused of attempting to block the indictment of four men involved in the United Dye case.

(Indicate page, name of newspaper, city and state.)

32

NEW YORK TIMES

Date: 11/19/63
Edition: LATE CITY
Author: EDWARD RANZAL
Editor: TURNER CATLEDGE
Title: MORTON ROBSON
FORMER AUSA SDNY; ROY
COHN-UNDER INVESTIGATION
Character: BRIBERY

Classification: BU 58-5100
Submitting Office: NYO

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Court Denies Cohn Plea To Dismiss¹⁹ Indictment

"There is no basis upon which the court should dismiss the indictment. The motion is denied."

Federal Judge Archie O. Dawson so ruled yesterday against Roy M. Cohn, who had asked that the perjury and obstruction of justice true bill against him be dismissed.

His principal ground was that the government had "leaked" information to the press and that the grand jury that acted against him operated in a fish bowl as distinct from secrecy.

In his decision against Mr. Cohn, who became an international controversial figure while serving as chief counsel of the McCarthy Senate Investigating Committee a decade ago, Judge Dawson, who also will conduct the trial, wrote:

"The defendant has not established that the grand jury deliberations have been tainted by publicity, nor has the defendant established that the publicity was generated by the prosecuting officials of the government."

The court observed that Mr. Cohn's charges were "categorically denied" by the government and that an examination of the defendant's voluminous motion papers "shows no factual data justifying a conclusion that the

allegations made in the papers are true."

"Certainly," Judge Dawson wrote, "to dismiss an indictment on the charges made in the moving papers would require more than merely blatantly asserted accusations, innuendoes and suspicions."

"There has been no evidence that the grand jurors were influenced or coerced by the publicity about Mr. Cohn or that it affected them in any way."

No trial date has yet been set. Mr. Cohn and another lawyer, Murray E. Gottesman, were accused of complicity in an alleged attempt to keep four men from being indicted in a stock fraud involving the United Dye & Chemical Corp.

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The Washington Post and Times Herald ☐
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 Gandy ☒

Judge Prunes Roy Cohn Indictment

Federal Judge Archie O. Dawson yesterday ordered deleted from the introduction of the Roy Cohn obstruction of justice indictment eight paragraphs Mr. Cohn considered prejudicial to his case.

Judge Dawson ordered also that parts of two other paragraphs in the 14-paragraph introduction be stricken on the ground that all the deleted material was "prejudicial as well as surplusage."

Mr. Cohn, indicted Sept. 4 with attorney Murray E. Gottesman on charges of com-

plicity in efforts to prevent indictment of four men in a stock fraud case, said Judge Dawson's decision was "good from my point of view."

Judge Dawson referred specifically to a part of the Federal indictment introduction which alleged Mr. Cohn "entered into a scheme" to arrange that certain persons would not be named defendants in any indictment handed up by a grand jury investigating a stock fraud case involving United Dye and Chemical Corp.

"If the so-called 'scheme' constituted what the grand jury considered was a criminal offense," Judge Dawson ruled, "it would have been so charged in a count of the indictment."

"To allege a 'scheme' with the other allegations in the introduction . . . without charging that the defendants had any criminal responsibility in connection therewith, will only be confusing and prejudicial at the trial of the counts on which the defendants were indicted."

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UPI-196

(COHN)
 NEW YORK--A FEDERAL JUDGE TODAY GRANTED ROY M. COHN THE RIGHT TO INSPECT THE TRANSCRIPT OF HIS OWN TESTIMONY BEFORE THE GRAND JURY WHICH INDICTED HIM ON CHARGES OF PERJURY AND OBSTRUCTION OF JUSTICE.
 JUDGE ARCHIE O. DAWSON TENTATIVELY SET MARCH 15 FOR COHN'S TRIAL. COHN, FORMER AIDE OF THE LATE SEN. JOSEPH MCCARTHY, R-WIS., AND MORE RECENTLY A BUSINESS EXECUTIVE AND CORPORATION COUNSEL, WAS INDICTED WITH MURRAY GOTESMAN, ANOTHER ATTORNEY. THEY WERE CHARGED WITH OBSTRUCTING JUSTICE INVOLVING THE DEFENDANTS IN THE UNITED DYE AND CHEMICAL CO. STOCK FRAUD TRIAL.

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UPI-134

(COHN)

Roy M. OCOHN

NEW YORK--A POSTAL OFFICIAL TODAY DENIED CHARGES BY ATTORNEY ROY COHN THAT HIS MAIL HAD BEEN INTERCEPTED BY THE POST OFFICE DEPARTMENT.

CHIEF POSTAL INSPECTOR ROBERT HICKEY ALSO SAID THAT THERE WAS NO TAMPERING AS SUCH WITH THE MAIL OF COHN'S ATTORNEY, THOMAS BOLAN. COHN, THE FORMER BOY WONDER OF THE ARMY-MCCARTHY HEARINGS IN THE LAST DECADE, FILED A MOTION LAST THURSDAY TO DISMISS A FEDERAL CHARGE AGAINST HIM OF LYING TO A GRAND JURY INVESTIGATING THE MULTI-MILLION DOLLAR UNITED BYE AND CHEMICAL CO. STOCK FRAUD. COHN MADE THE MOTION ON GROUNDS HIS PRIVATE CORRESPONDENCE WITH HIS ATTORNEY HAD BEEN INTERCEPTED AT THE REQUEST OF U.S. ATTORNEY ROBERT MORGENTHAU, WHO IS PROSECUTING COHN.

COHN SUBMITTED AS EVIDENCE AN ALLEGED CONFIDENTIAL POST OFFICE ORDER WHICH ORDERED BOLAN'S MAIL INTERCEPTED.

HICKEY TODAY DECLINED TO SAY WHETHER THE ORIGINAL OF THE ALLEGED ORDER WAS IN THE POST OFFICE FILES. BUT, WHEN ASKED WHETHER ANY EMPLOYEE OF THE DEPARTMENT HAD A SIGNATURE SUCH AS THE ONE SIGNED ON THE ORDER, HICKEY SAID:

"I BELIEVE IT WAS A SUPERVISOR BUT I DON'T WANT TO DIVULGE HIS NAME BECAUSE THE MATTER IS BEFORE THE COURT."

HICKEY SAID A SUPERVISOR MAY HAVE ISSUED SUCH AN ORDER TO CHECK DELIVERY OF THE MAIL FROM THE LOCAL BRANCH. HE DENIED THAT THERE WERE ANY SIMILAR ORDERS IN THE FILES UNDER COHN'S NAME OR ADDRESS.

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FEB 24 1964

WASHINGTON CAPITAL NEWS SERVICE

Deny Cohn Mail Held

By MEL JUFFE

New York's chief postal inspector today categorically denied charges that the government had intercepted mail addressed to Roy M. Cohn and his attorney.

The accusation was made in an affidavit filed by Mr. Cohn's lawyer, Thomas Bolan, in U.S. District Court. Mr. Bolan charged that the interception was instigated by U.S. Atty. Robert Morgenthau.

STOCK SWINDLE

In the affidavit Mr. Bolan sought dismissal of a perjury indictment against Mr. Cohn and another attorney, Murray Gottesman, stemming from their grand jury testimony about a stock swindle involving the United Dye and Chemical Corp.

"No such mail was intercepted or delayed at any time," Chief Post Office Inspector Robert S. Hickey told the N.Y. Journal-American. "It just isn't so. And as for Mr. Morgenthau, he had nothing to do with this whatever, as far as I know."

"The order they (Mr. Bolan) refer to was not an interception. It speaks for itself. For some reason, the supervisor may have simply wanted to check the mail out for delivery from the local branch."

ORDERS FROM PO?

Mr. Bolan submitted with the affidavit what he said was a photostatic copy of a Post Office order signed by a postal inspector identified only as Hickey.

Post Office order signed by a postal inspector identified only as Hickey.

The purported photostat, referring to mail addressed to Mr. Bolan and his wife, Marie, at their home at 238-07 121st ave., Cambria Heights, Queens, carries this notation:

~~Confidential~~ — ~~subject~~ —
First class mail to supervisor.
Do not reveal this to addressee or other unauthorized person.
Neither Mr. Bolan or Mr. Cohn would disclose how they came into possession of the order, which they obtained last Feb. 6.

CONFIDENTIAL DATA

Mr. Bolan said that mail addressed to his home "has contained highly confidential communications" concerning the Cohn case and that he had information indicating that mail interceptions also involved Mr. Cohn and other members of their law firm, Saxe, Bacon and O'Shea, as well as the law firm's offices.

However, Mr. Hickey flatly asserted "there's no mail missing that I've heard about and I've never received any complaint of any missing mail from these particular people. Certainly, anyone who ever tampered with the mail would be subjecting himself to very severe penalties."

One of the cardinal rules of the Post Office, Mr. Hickey said "is that under no conditions may anyone open anyone's mail."

The inspector said the confidential order could have been for a service reason.

"The supervisor might have had a complaint of a delay,"

he said, "and might want to assure himself that the mail was going out at that particular moment without delay. That's just one possibility."

Mr. Hickey said that whatever happened to Mr. Bolan's mail, "I don't see how they could extend this confidential order to anyone else."

Edward H. Essig, postmaster for Jamaica, which has jurisdiction over the Cambria Heights station, said the confidential order "doesn't seem possible."

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The Washington Post and Times Herald _____
The Washington Daily News _____
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New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal _____
The National Observer _____
People's World _____
Date _____

58-5100-A

NOT RECORDED

128 FEB 2 1964

INDEFINITE - ~~UNL~~ CANCELED

POST OFFICE DEPARTMENT
ORDERS TO BOX SECTION OR OTHER SPECIAL ORDERS

DATE OF ORDER	NAME OF PERSON OR FIRM	OLD ADDRESS (or present street address)	NEW POST OFFICE BOX ADDRESS OR SPECIAL INSTRUCTIONS
3-24-63	THOMAS & MARIE BOLAN	238-67 121 AVE	CONFIDENTIAL SUBMIT ALL FIRST CLASS MAIL TO SUPERVISOR. DO NOT REVEAL THIS TO ADDRESSEE OR OTHER UNAUTHORIZED PERSON <i>Philly</i>

POD Form 3986
Aug. 1958

~~PURPORTED COPY OF POST OFFICE ORDER TO WITHHOLD MAIL~~

Cohn Claims Mail Tampering in Bid to Get U.S. Case Dropped; Post Office Denies It

By WALL STREET JOURNAL Staff Reporter

NEW YORK—Roy M. Cohn accused the Government of intercepting mail addressed to him and his attorneys and contended this means Federal perjury and conspiracy charges against him should be dismissed.

A Post Office inspector denied the Government has been reading Mr. Cohn's mail, and the Justice Department declared it will oppose Mr. Cohn's move.

Federal District Judge Archie O. Dawson has ordered U.S. Attorney Robert M. Morgenthau to show cause Feb. 28 why the charges shouldn't be dismissed.

Mr. Cohn and another lawyer, Murray E. Gottesman, were indicted last year by a Federal grand jury on charges of perjury before a grand jury investigating the United Dye & Chemical Corp. stock fraud. They also were indicted on charges of conspiring to obstruct justice by attempting to keep some of the United Dye defendants from being indicted.

Trial Set for March 16

Both men pleaded innocent and are scheduled to go on trial March 16. Mr. Cohn has accused the Justice Department of waging a vendetta against him.

The charge of mail tampering was contained in a dismissal application filed last Thursday by Thomas A. Bolan, Mr. Cohn's attorney and partner in the law firm of Saxe, Bacon & O'Shea. With the application, Mr. Bolan filed a copy of what he described as a confidential Post Office order "which came into my possession on Feb. 6, 1964."

The document, dated March 29, 1963, stated that all first class mail addressed to the home of Thomas and Marie Bolan was to be submitted to a supervisor. "Do not reveal this to addressee or other unauthorized person," the alleged order continued. The signature wasn't clear. The document was marked "Indefinite—until canceled."

Mr. Bolan said he believed the Government was "intercepting" mail addressed to his home, as well as that of other associates of Mr. Cohn, including "all mail coming into and out of the offices of Saxe, Bacon & O'Shea."

Such mail would include "highly confi-

dential communications" relating to the case against Mr. Cohn, making the action "a flagrant and unconstitutional interference with Mr. Cohn's right to counsel," Mr. Bolan declared in an affidavit.

Declined Further Comment

Mr. Bolan declined yesterday to comment further on the affidavit or to say if he meant that mail had been opened or withheld by the Government.

In a case against Frank Costello, New York underworld figure, a U.S. Court of Appeals upheld the Government's right to copy return addresses on letters addressed to Costello.

Robert J. Hickey, head of the Postal Inspection Service in New York, stated, "Under no condition is mail opened and read by anyone in the postal service." Nor can mail be given to others to be examined, he added. He said he could neither confirm nor deny that the alleged order existed, nor could he give possible reasons for such an order.

Mr. Morgenthau commented only that the Government would tell its story in an affidavit opposing the application for dismissal.

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Sullivan _____
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Trotter _____
Tele Room _____
Holmes _____
Gandy _____

The Washington Post and Times Herald _____
The Washington Daily News _____
The Evening Star _____
New York Herald Tribune _____
New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal *45* _____
The National Observer _____
People's World _____
Date *2/18/64* _____

58-5100-A-
NOT RECORDED
176 FEB 20 1964

~~This case from its very inception has been riddled and polluted with false, misleading and deliberately deceptive statements uttered by Mr. Walpin.~~

A Cohn co-defendant is another lawyer, Murray Gottesman, and Mr. Bolan said:

"Mr. Walpin now admits that his sworn testimony that no information was obtained by the U. S. Attorney's office as a result of the mail watch was false. Similarly, he admits that his sworn testimony that he has made 'absolutely no inquiries of anyone based upon any of the information contained in this mail watch' is not true.

"He now admits that when he learned that Mr. Gottesman had received mail from the 'Tinkers National Bank' and 'Columbia Savings,' he caused the FBI to make inquiries of those institutions. Mr. Walpin blames his false testimony on forgetfulness. One wonders how much more Mr. Walpin has forgotten about. The truth has been extracted from him in slow and agonizing gasps.

The prosecution memorandum said:

"After the defendants were indicted, the U. S. Attorney's office received information that defendant Cohn's lawyer, Thomas Bolan, was attempting improperly to influence government witnesses. The government offered to present this evidence to the court in camera.

"The U. S. Attorney's office then requested mail covers of limited duration on the defendant Cohn, defendant Gottesman, Bolan and Daniel Driscoll (a partner in Mr. Cohn's law firm). The

mail cover was put on Bolan not because he was defendant Cohn's attorney, but because of the information he was improperly attempting to influence witnesses who might testify at this trial for the government.

"No mail cover was ever put on Henry Chapman, attorney for defendant Gottesman. The mail covers (were) requested in late September, 1963 (and were) asked to (be) discontinued in November, 1963. The U. S. Attorney's office obtained no information or leads from the mail cover material it received."

The government maintained that all it could get in a mail cover was the name and address of the letter writer.

Mr. Bolan, for Mr. Cohn, also took issue with Mr. Walpin that the Internal Revenue Service was not investigating Mr. Cohn. Mr. Bolan said:

"Not only has Internal Revenue issued a summons returnable March 11, directing one of Mr. Cohn's partners to produce all of his records concerning Mr. Cohn, but testimony . . . revealed that there is a crew of at least nine Internal Revenue agents working to get Mr. Cohn."

In a separate paper filed by Mr. Morgenthau, he came to the defense of his assistant, Mr. Walpin, praising his ability and integrity, noting:

"The rest of defendant Cohn's personal attacks on Mr. Walpin were baseless, reckless and complete distortions of the record. There was no interference with defendant Cohn's right to counsel nor did the government obtain any unfair advantage over defendant Cohn."

On Monday the government's mail cover on Mr. Cohn and his lawyer was denounced by both Republicans and Democrats on the floor of the state Assembly. Assemblyman Joseph Kottler, Brooklyn Democrat, called it "evil." Mr. Kottler also made reference to the methods Mr. Cohn used when he (Cohn) was counsel to the McCarthy Senate Investigating Committee, noting:

"Roy Cohn has brought some of these things down upon his own head."

(Mount Clipping in Space Below)

Mr. Tolson _____
Mr. Belmont _____
Mr. Mohr _____
Mr. Casper _____
Mr. Callahan _____
Mr. Conrad _____
Mr. DeLoach _____
Mr. Evans _____
Mr. Gale _____
Mr. Rosen _____
Mr. Sullivan _____
Mr. Tavel _____
Mr. Trotter _____
Tele. Room _____
Miss Holmes _____
Miss Gandy _____

U.S. AGAIN ADMITS COHN MAIL WATCH

Papers Filed With Judge
Argue Indictment Is Legal

By EDWARD RANZAL

United States Attorney Robert M. Morgenthau said again yesterday that he had placed a limited mail watch on Roy M. Cohn and his lawyer after receiving information that the lawyer attempted to influence Government witnesses improperly.

The statement was made in papers submitted to Federal Judge Archie O. Dawson in opposition to a motion by Mr. Cohn to dismiss a perjury and conspiracy indictment because of the mail watch.

Mr. Cohn also filed papers contending that the mail check on his lawyer, Thomas A. Bolan, had "irrevocably deprived" him of a fair trial and had interfered with his right to counsel.

Requested by Court

Judge Dawson had requested that the papers be filed by 4 P.M. yesterday. Members of Mr. Morgenthau's staff, after a long conference, filed the document with the court clerk at 5:15 P.M., 15 minutes after Judge Dawson had left his chambers.

The papers also contained an affidavit by Mr. Morgenthau defending the action of Gerald Walpin, the assistant United States Attorney in charge of the prosecution.

The Government acknowledged that none of the information gathered from the mail watch had been productive.

The pretrial controversy continued to take many twists and turns.

Last Friday, at a hearing before Judge Dawson, Mr. Walpin admitted that a mail watch had been instituted by the Internal Revenue Service on Mr. Cohn, Mr. Bolan and their law firm, Saxe, Bacon & O'Shea.

The watch on the firm was dropped one month after it started a year ago. The check on the two others was continued until Mr. Cohn filed his motion papers several weeks ago.

At the Friday session Mr. Walpin did not disclose that the United States Attorney's office itself had requested a second mail watch that ran from September to November, 1963.

Judge Is Shocked

At the opening of the Saturday session, Mr. Walpin, under questioning by Judge Dawson, admitted the mail watch by his office because of the alleged interference with Government witnesses. Judge Dawson said he was shocked to learn a defendant's lawyer was included in the second mail watch.

This apparently had come as a surprise also to the Justice Department, which had briefed President Johnson on the situation prior to his press conference last Saturday.

On Monday Mr. Walpin wrote Judge Dawson that he had reviewed the mail watch information after Saturday's session and had discovered his failure to tell the court of a mail watch on Mr. Cohn's co-defendant, Murray E. Gottesman, another lawyer.

He said that he had received the names of two of Mr. Gottesman's banks from postal officials but that the leads had proved negative.

U. S. Defends Action

In its papers filed yesterday, the Government denied that it had interfered with any communications between Mr. Cohn and Mr. Bolan. It argued:

"Surely the Sixth Amendment [the right to counsel] should not force the Government to sit idly by while violations of Federal laws are being committed. No such immunity accrues from the mere fact that the conduct in question occurs during the pre-trial period and involves the defendant Cohn's attorney."

In his papers, Mr. Cohn, former chief counsel to the Senate Investigating subcommittee headed by the late Senator Joseph R. McCarthy, charged the Government with deceit.

Heretofore, the courts have ruled that a mail watch on a defendant by the prosecution is not illegal. Mr. Cohn leaned heavily, however, on the fact that the watch included his lawyer during a period when he was already under indictment.

Mr. Cohn contended that the "basic evil" of the mail watch on Mr. Bolan "is not just that the Government may improperly obtain evidence but, even worse, it may enable the Government to learn of defense preparations."

The indictment charges Mr. Cohn and Mr. Gottesman with lying before a grand jury and conspiring to prevent the indictment of four men in the United States Dye & Chemical Corporation stock fraud case.

Judge Dawson has scheduled the trial for March 16.

(Indicate page, name of newspaper, city and state.)

41

NEW YORK TIMES

Date: 3/4/64
Edition: LATE CITY
Author: EDWARD RANZAL
Editor: TURNER CATLEDGE
Title: MORTON ROBSON FOR MER AUSA SDNY; ROY COHN UNDER INVES.
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

58-5100-19

RECORDED
MAR 18 1964

Tolson ☒
 Belmont ☒
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 Tele Room ☐
 Holmes ☐
 Gandy ☐

COHN MAIL: BOLAN ASKS SHOWDOWN

By Milton Lewis

Of The Herald Tribune Staff

The affidavit war in the Roy M. Cohn perjury-conspiracy case continued space yesterday.

Incensed at being "smeared" by the government, Mr. Cohn's counsel, Thomas A. Bolan, called for a public hearing—as distinct from a secret one—to show the "baselessness" of the accusation: that Mr. Bolan attempted to influence prosecution witnesses.

Mr. Bolan filed this fresh affidavit with Federal Judge Archie O. Dawson one day after U. S. Attorney Robert M. Morgenthau's office dropped papers with the same judge making the charge against the defense lawyer. And, the prosecutor alleged, it was because Mr. Bolan attempted to interfere with witnesses that a mail cover was put on both him and Mr. Cohn, his law associate.

It was the mail cover business that prompted the defense to petition last week for dismissal of the indictment

against Mr. Cohn. The government contends that it did not open anybody's mail and that it got no leads from the interceptions. Judge Dawson has reserved decision on the dismissal request, though he has termed the mail interception tactics worthy of Soviet Russia. He also took under advisement yesterday's request for a public hearing.

Meanwhile yesterday, the New York Civil Liberties Union's board of directors condemned the mail check and called for an inquiry by the Grievance Committee of the Association of the Bar of the City of New York. The Union said:

"... an Assistant U. S. Attorney intimated . . . to the court that his office had not ordered a check on mail addressed to Roy Cohn or his

attorney, Mr. Bolan. In doing so, he misled the court and was guilty of inexcusable evasion and lack of candor.

"The failure of the U. S. Attorney to reprimand his assistant's flagrant violation of the lawyer's ethical duty or to replace him in the prosecution of the case may be construed as condonation."

Mr. Bolan advised, in his latest affidavit:

"The government's attempt to now smear me is not surprising. Anyone who gets in the way of its vendetta against Mr. Cohn runs this risk. . . . In view of the serious nature of the government's charges against me and of their adverse effects on Mr. Cohn, it is respectfully requested that the court hold a public hearing on this issue in order that the business-

ness of these accusations may be demonstrated."

Mr. Cohn, now 37 and former chief counsel to the McCarthy Senate Investigating Committee, is under indictment for perjury and conspiracy to obstruct justice in a stock fraud inquiry. If he loses this dismissal motion, the trial is set for March 16. Previously, Judge Dawson denied a defense motion to quash the indictment on the ground that the government had "leaked" information about the case to the press.

The Washington Post and Times Herald _____
 The Washington Daily News _____
 The Evening Star _____
 New York Herald Tribune 19
 New York Journal-American _____
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 New York Post _____
 The New York Times _____
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 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____
 Date _____

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128 MAR 12 1964

MAR 5 1964

Cohn Formally Loses Bid to Get Conspiracy, Perjury Case Dropped

**Judge Is Not Persuaded by Final
Brief, Despite Defense Charge
Government 'Intercepted' Mail**

By a WALL STREET JOURNAL Staff Reporter

NEW YORK — Federal District Judge Archie O. Dawson formally declined to dismiss perjury and conspiracy charges against attorneys Roy M. Cohn and Murray E. Gottesman. The judge indicated he expects the case to go to trial March 16 as scheduled.

Last week, Judge Dawson tentatively refused to dismiss the indictment, despite the defense's contention that mail addressed to Mr. Cohn and his counsel and law partner, Thomas A. Bolan, had been "intercepted" by the Government. A final brief filed by Mr. Bolan this week failed to change the judge's mind.

Assistant U.S. Attorney Gerald Walpin conceded during a hearing on the defendant's dismissal motion that his office had requested a mail cover on Mr. Cohn and members of his law firm, Saxe, Bacon & O'Shea. Postal authorities also testified that the Internal Revenue Service had obtained a mail cover, apparently for reasons not connected with the indictment.

Return Addresses Kept

The mail cover consisted of having a postal employee record return addresses and postmarks on first-class mail destined for Mr. Cohn and his associates. Judge Dawson noted that the cover requested by the U.S. Attorney's office apparently ended last November, and that the one asked by the IRS evidently was dropped last month, when the defendants moved for dismissal of the indictment on the ground of mail interception.

Judge Dawson said there was no evidence that mail had been opened and read and that a mail cover wasn't a violation of the defendant's Constitutional rights. But he commented, "The judgment of the assistant U.S. attorney in directing a mail watch to be placed on the attorney for the defendant may well be questioned."

The judge termed it "shocking to the conscience" to think that a mail cover imposed after an indictment might "lead to discovery of steps defense counsel was using in preparing for trial." But he said there was no indication that the mail covers in the Cohn case had such results.

Indicted Last September

Mr. Cohn and Mr. Gottesman were indicted last September on charges of attempting to obstruct a Federal grand jury investigation of the United Dye & Chemical Corp. stock fraud.

Judge Dawson, in denying the dismissal motion, added, "When serious charges are made against professional men, they should have an opportunity to defend themselves. A dismissal of an indictment on a technical ground would never be sufficient to clear their reputations. They are entitled to a trial. Likewise, the Government and the public are entitled that the charges be tried so that the truth may be ascertained."

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Tele Room _____
Holmes _____
Gandy _____

File 6 -
58-5100 b7

The Washington Post and Times Herald _____
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New York Journal-American _____
New York Mirror _____
New York Daily News _____
New York Post _____
The New York Times _____
The Worker _____
The New Leader _____
The Wall Street Journal *✓* _____
The National Observer _____
People's World _____
Date *3/4/64*

58-5100-A
NOT RECORDED
128 MAR 10 1964

(Mount Clipping in Space Below)

Mr. Tolson	_____
Mr. Belmont	_____
Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

COHN LOSES PLEA OVER MAIL WATCH

Judge Finds No Violations of
Constitutional Rights

By EDWARD RANZAL

Federal Judge Archie O. Dawson denied yesterday a motion by Roy M. Cohn to dismiss the perjury and conspiracy indictment against him because of a mail watch.

Judge Dawson ruled that no law or constitutional right had been violated by the mail watch on Mr. Cohn and his lawyer, Thomas A. Bolan. The watch had been ordered by the office of United States Attorney Robert M. Morgenthau.

The judge, in his ruling, declared:

"It is shocking to think that the Government, after an indictment is filed, may put a mail watch on the attorney for the defendant which might, in some cases, possibly lead to discovery of steps defense counsel was using in preparing for trial."

Judge Dawson said, however, that there was no indication that the watch brought such a result.

The trial of Mr. Cohn and a co-defendant, Murray E. Gottesman, is scheduled for March 16. They are accused of lying to a grand jury and attempting to prevent the indictment of four men in the stock fraud case.

Involving the United Dye and Chemical Corporation.

Mr. Cohn filed his motion for dismissal of the indictment after Mr. Bolan had come into possession of a Post Office Department form indicating a mail watch on him.

A two-day hearing was held by Judge Dawson last week. On the first day a post office supervisor said that the Internal Revenue Service had made a mail watch on Mr. Cohn, Mr. Bolan and their law firm, Saxe, Bacon & O'Shea.

The next day, under questioning by Judge Dawson, Gerald Walpin, Assistant United States Attorney, told the court that the United States Attorney's office had placed a second mail watch on Mr. Cohn, Mr. Bolan and Mr. Gottesman after the indictment had been filed.

He explained that the mail watch on Mr. Bolan had been made after the Government had been informed that he had attempted to influence Government witnesses. That was denied by Mr. Bolan.

Entitled To A Trial

Judge Dawson, pointing out that both defendants are lawyers, said:

"When serious charges are made against professional men they should have an opportunity to defend themselves. A dismissal of the indictment on a technical ground would never be sufficient to clear their reputations."

"They are entitled to a trial. Likewise, the Government and the public is entitled that the charges be tried so that the truth may be ascertained. Under the circumstances there has been in this case no basis for dismissal of the indictment."

The action by Mr. Morgenthau's office had also been criticized by the Civil Liberties Union and by members of the Legislature.

(Indicate page, name of newspaper, city and state.)

1 NEW YORK TIMES

Date: 3/6/64
Edition: LATE CITY
Author: EDWARD RANZAL
Editor: TURNER SATLEDGE
Title: MORTON ROBERTSON FORMER
AUSA SDNY; ROY COHN
UNDER INVESTIGATION
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

158-5100-11
NOT RECORDED
MAR 18 1964

Mr. Cohn was asked if he had ever employed a mail watch when he was a lawyer with the Justice Department and chief counsel to the Senate investigating subcommittee headed by the late Senator Joseph R. McCarthy.

Tough But Fair

"I absolutely never employed a mail cover or thought of it," he declared. "I never ordered or condoned a mail cover or wire tap or anything else of that nature. The ends of justice were several in a tough but fair way. I never used illegal means."

In his six-page opinion, Judge Dawson made the following points:

¶Neither the Government nor anyone in the post office had ever opened or read mail addressed to Mr. Cohn or his lawyer, Thomas A. Bolan.

¶There was no evidence of any delay in the delivery of the mail.

¶There was also no evidence that there was a mail watch on any outgoing mail. It was confined to incoming letters.

¶Inasmuch as there was no evidence obtained as a result of the mail watch, there was no evidence to suppress.

¶Under post office regulations the use of a mail watch is not a violation of the constitutional rights of the defendant.

Violation Not Proved

Judge Dawson said that Mr. Cohn had not proved that there was any violation of the law or of his constitutional rights. He added:

"The judgment of the assistant United States attorney [Gerald Walpin] in directing a mail watch to be placed on the attorney for the defendant may well be questioned.

"If that mail watch had resulted in determining the nature of communications between the attorney and his client it might well have interfered with the further progress of this case."

Robert Morris, counsel for Defenders of American Liberties, a right-wing civil liberties group incorporated in Illinois, said in a statement during a trip to New York yesterday:

"The Department of Justice's monitoring mail of defense counsel after an indictment is utterly reprehensible and is certainly ground for dismissing the action against Roy M. Cohn. The right of a defendant is one of the most precious possessions in our legal firmament."

Mr. Morris's group had urged last September that a special American Bar Association or Congressional inquiry be set up to study Mr. Cohn's charges that "political revenge" lay behind his perjury indictment.

Mr. Morris, a Dallas lawyer, was formerly counsel to the Senate Internal Security subcommittee and is now seeking the Republican nomination for United States Senator from Texas.

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Mr. Tolson	_____
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Mr. Mohr	_____
Mr. Casper	_____
Mr. Callahan	_____
Mr. Conrad	_____
Mr. DeLoach	_____
Mr. Evans	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Mr. Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Equal Justice Under Law

The ruling by Federal Judge Archie O. Dawson puts the case against Roy M. Cohn back in perspective and back where it belongs—in the courtroom in Foley Square. The case will go to trial, as scheduled, on March 18. This is as it should be: to protect the defendant's rights and to uphold the Government's obligation to pursue alleged criminal acts.

The case got off the track in recent days because of disclosure of a Government mail watch. The Post Office had recorded the sender's name and address of mail addressed to Mr. Cohn and his attorney, but no mail was opened or read. Mr. Cohn's attorney attempted to have the whole case against his client thrown out of court because of the mail watch. This the judge has denied.

In ordering the trial to proceed, Judge Dawson pointed out that the "use of such a mail watch is not a violation of any constitutional rights of the defendant." No proof was offered that any evidence obtained by the Government resulted from the mail watch or that there was any interference by the Government in the attorney-client relationship. Nevertheless, Judge Dawson said that the "judgment of the Assistant United States Attorney in directing a mail watch to be placed on the attorney for the defendant may well be questioned."

What must be upheld in this or any other case is the sacred concept carved above the Supreme Court's pillars: Equal Justice Under Law. That applies to a James Hoffa, who stands for the worst in trade union leadership, or to a Roy Cohn, who helped write the book on how to abuse witnesses when he served as the late Senator McCarthy's closest assistant and confidant. That fundamental idea was expressed long ago by Justice Brandeis: "At the foundation of our civil liberty lies the principles which denies to Government officials an exceptional position before the law and which subjects them to the same rules of conduct that are commands to the citizen."

Mr. Cohn and a co-defendant have been accused of serious crimes. He has been indicted for allegedly lying before a grand jury and trying to prevent the indictment of four men in a stock fraud case. Is Mr. Cohn guilty of perjury and conspiracy? That is now the issue; the only issue. The time is past for red herrings or mail watches. What counts is a fair trial without delay.

(Indicate page, name of newspaper, city and state.)

30 NEW YORK TIMES

File - 62
6-
158-5100 A
NOT RECORDED
184 MAR 18 1963

Date: 3/6/64
Edition: LATE CITY
Author:
Editor: TURNER-CATLEDGE
Title: MORTON SOBSON FORMER
AUSA SDNY; ROY COHN
UNDER INVESTIGATION
Character: BRIBERY
or
Classification: BU 58-5100
Submitting Office: NYO

NOT RECORDED
184 MAR 18 1963

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Mr. Tolson	_____
Mr. Belmont	_____
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Mr. DeLoach	_____
Mr. Casper	_____
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Mr. Conrad	_____
Mr. Felt	_____
Mr. Gale	_____
Mr. Rosen	_____
Mr. Sullivan	_____
Mr. Tavel	_____
Mr. Trotter	_____
Tele. Room	_____
Miss Holmes	_____
Miss Gandy	_____

Big Brother

IN THE CASE of the United States vs. Roy Cohn, a New York lawyer and businessman, a totally reprehensible maneuver on the part of the government has come to light.

This is the "watch" that was placed on mail addressed to Mr. Cohn and his attorney.

In a so-called "mail watch" Post Office officials maintain a check on the names and addresses of those who correspond with a person concerned.

The Justice Dept., through no fault of its own, first denied that this had been resorted to in connection with Mr. Cohn.

Subsequent inquiry made it clear that personnel of the Federal District Attorney's office in New York had indeed employed the "mail watch" device.

The Justice Dept. was forced to retract its denial.

Regardless of the merits of the government's case against Mr. Cohn, who is under indictment on federal perjury and conspiracy charges, such methods smack of the worst aspects of secret policing.

How much other mail is being "watched?"

The mail, as the telephone, should and must be inviolate except in the execution of a clearly-defined court order.

That is the American way.

And the Government's default could have been immeasurably compounded. It has been disclosed that President Johnson was briefed "erroneously" on the matter prior to his last press conference. The briefing informed the President that no mail watch had been placed on Mr. Cohn and his attorney.

It was fortunate indeed that the President was not questioned on the matter.

(Indicate page, name of newspaper, city and state.)

BOSTON GLOBE
Boston, Mass.

BOSTON HERALD
Boston, Mass.

BOSTON TRAVELER
Boston, Mass.

CHRISTIAN SCIENCE
MONITOR
Boston, Mass.
RECORD AMERICAN
Boston, Mass.

Date: 3/6/64

Edition: Complete

Author:

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U.S. Says Gambler Paid Cohn to Kill United Dye Charges

Little-Noted Documents Describe
Alleged Bribery; Cohn Trial
For Perjury to Open Monday

By ED CONY

Staff Reporter of THE WALL STREET JOURNAL

NEW YORK—In the highly volatile case against Roy M. Cohn, which goes to trial here Monday, the U.S. Government contends Mr. Cohn journeyed to Las Vegas in 1959 and received bribe money from a big-time Nevada gambler—right after the gambler and three of his friends escaped indictment in the \$5 million United Dye & Chemical Corp. stock fraud case.

The bribery accusation promises to sharpen the acrimony which has been building up between Mr. Cohn and the Government since September, when the nationally known businessman and aide of the late Sen. Joseph McCarthy was indicted along with Murray Gottesman, another New York lawyer. That indictment does not charge Mr. Cohn with being involved in a bribe. It does charge him with lying to a Federal grand jury, getting others to lie too and, in the process, conspiring to obstruct justice. Both Mr. Cohn and Mr. Gottesman have pleaded innocent to all the charges.

Ironically, the Government contention Mr. Cohn took part in a bribe attempt is revealed in a bill of particulars which he himself sought. He got it after complaining to Federal Judge Archie Dawson that the indictment was not specific enough.

With Mr. Cohn and Government prosecutor Gerald Walpin each complaining the other has been attempting to "try the case in the newspapers," it is ironic too that the allegation that Mr. Cohn took money from the Nevada gambler has been undisclosed until now, although it has been a matter of public record since December. That's when the bill of particulars was filed—and tucked away—in a musty records room on the fifth floor of the Federal Court House here.

Charges of Document Tampering

The document also paints a picture of a plot in which the conspirators "suppressed, altered and destroyed documents necessary to the grand jury investigation," summoned some from Europe a kingpin gambler and ex-bootlegger and intimidated witnesses in cities from the Atlantic to the Pacific—and on airplane flights between the two coasts.

But the bill of particulars is especially interesting when analyzed alongside the 47-page indictment. Such a study reveals a good deal about the complex case the Government will try to prove.

The case spans a period from 1955 through last year—an interval during which Mr. Cohn became chairman of Lionel Corp., at age 32, assumed important stock positions and directorships in other corporations and also found time to promote championship boxing bouts.

To follow the twists and turns of the Government's case, it helps to assemble in chronological order the facts, as alleged by the Government. It must be remembered, of course, that it is up to the Government to prove a good many of these "facts." With this cautionary proviso in mind, here is the chronology:

In 1955 Alexander Guterman and a group of Nevada promoters and gamblers came into control of United Dye & Chemical. Soon, they were merrily manipulating the company's stock, which at the time was traded on the New York Stock Exchange.

Through mergers with other companies they controlled—companies of little or no value—they issued large quantities of new United Dye stock which they promptly peddled to the public at prices far above the actual worth of the shares. Before their fraud had run its course, they'd bilked investors out of about \$5 million.

United Dye Culprits

By 1959, Government agencies were closing in on the United Dye culprits. A Federal grand jury in New York was hearing testimony, and among those nervously aware of this investigation were four men who had played important roles in the United Dye fraud: Samuel Garfield, a gambler and promoter; Irving Pasternak, his partner; Allard Roen, an executive of the Desert Inn, a luxurious Las Vegas hotel and casino, and Allen K. Swann, their attorney.

In August 1959 the grand jury indicted seven men in the United Dye case. But, strangely enough, none of the Garfield-Roen gambling group was named. The Government claims this omission was no accident.

It maintains Mr. Cohn "entered into a scheme" with Garfield whereby Mr. Cohn would see to it Garfield and his three friends would not be indicted. It was Garfield who paid money to Mr. Cohn in September 1959, the Government alleges.

Now, in the view of the Government, did Mr. Cohn do it? Despite its 47 pages, the Government indictment of Messrs. Cohn and Gottesman is extremely vague on this point. It does, however, contain hints of what the Government contends happened. Example: It

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Government Says Gambler Paid Cohn to Kill United Dye Charges

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says that in August 1959, the month the United Dye indictment was returned, Mr. Cohn contacted Mr. Gottesman and that Mr. Gottesman in turn contacted Morton Robson, who was then the Chief Assistant United States Attorney for the Southern District of New York.

The contact with Mr. Robson was made at a time when his office was presenting the United Dye evidence to the grand jury. The Gottesman mission, according to the Government: To make sure Garfield and his three friends were not indicted.

The Government suggests then that in the summer of 1959 there was a chain running from Garfield to Mr. Cohn to Mr. Gottesman who contacted Mr. Robson. But thus far the Government has not given any clues as to what disposition was made of the money it alleges Garfield gave to Mr. Cohn. Will the prosecution contend the money was passed along to any others—or that Mr. Cohn kept it? No charges have been filed against Mr. Robson.

In November 1960 there came a second United Dye indictment. A different assistant U.S. attorney presented the case to the grand jury and this time Garfield, Pasternak, Roen and Swann were indicted. In 1961 there was still a third indictment in the United Dye case. This time no less than 32 defendants were scooped up including the Garfield group once again.

In February 1962 the United Dye trial began. It was to last 11 months and become the longest criminal trial in the history of the Federal courts. Within the first month of the trial, Garfield, Roen and Swann all changed their pleas from not guilty to guilty (before the trial ended Pasternak joined them).

Garfield Goes to Grand Jury

Two weeks after he'd pleaded guilty, Samuel Garfield was brought before a grand jury in New York. On April 2, 1962, according to the Government's bill of particulars, he told the jurors his story that Mr. Cohn had arranged to get him and his friends off the hook in the 1959 United Dye investigation, and he testified that he'd paid money to Mr. Cohn right after he escaped being indicted.

The Government contends the Garfield testimony spurred Mr. Cohn into frenzied activity to discredit Garfield's story and to save his own skin. In the process of doing so, according to the Government, Mr. Cohn lied to a Federal grand jury in New York in two different appearances before it.

One of the Government's perjury counts against Mr. Cohn is based on the contention that in his testimony Mr. Cohn—for reasons the Government is keeping to itself—made up out of whole cloth a meeting he claimed had occurred in 1959 at New York's staid Plaza Hotel. He told the jurors he, Garfield, Swann and Mr. Gottesman all attended.

Mr. Gottesman as well as Mr. Cohn, lied to the grand jury—the Government says—in describing details of the allegedly fictitious gathering in the Plaza. From a meeting which the Government insists never happened, Mr. Gottesman four years later remembered such details as Garfield being "very tanned" and in "shirt sleeves." He recalled also that the meeting took place in a two-room suite, painted white with a "settee" and a "little coffee table."

Remembers Swann as Garrulous

Mr. Cohn couldn't recall much for the grand jury concerning Swann except that he was garrulous during the Plaza meeting. Government Attorney Walpin did get Mr. Cohn to say Swann was of average height, as he remembered him (Swann is over six feet tall). In attempting to pin down Mr. Cohn as to what he meant by "average height," Mr. Walpin had a six-footer stand up. Mr. Cohn said the man was "taller than average—so long as I don't have to give any prizes for the guessing I'm doing." Mr. Walpin also said: "I'm five-foot-four-and-a-half, Mr. Cohn, and I'm standing at this moment, as you can see. Do you consider me short?" Mr. Cohn replied: "I'd consider you on the short side."

And a moment later, after Mr. Walpin had inquired if Mr. Swann had a full head of hair, Mr. Cohn replied: "Mr. Walpin, if you go on five minutes more, you're going to persuade me I never saw Mr. Swann, and I know I did." The Government obviously disagrees.

Why would Mr. Cohn and Mr. Gottesman perjure themselves—if they did—by inventing a meeting which didn't occur? While the Government doesn't spell out its theory precisely, it does present some possible clues to its thinking in the indictment's lengthy sampling of Mr. Cohn's and Mr. Gottesman's testimony about the Plaza meeting.

The defendants claim the Plaza gathering was called to discuss the testimony Swann was about to give to the grand jury in defense of Garfield and Roen in the United Dye investigation. Mr. Gottesman, both defendants said, had been retained to represent Garfield and Roen. And in that capacity, Mr. Gottesman had gone to see Mr. Robson before the Plaza meeting to request that Swann be allowed to testify in behalf of his clients.

A Different Reason

If this indeed was the case, then it would have been a legitimate reason for Mr. Gottesman to contact Mr. Robson—a reason quite different from the Government's claim that Mr. Gottesman met with Mr. Robson to further the alleged "scheme" of Mr. Cohn's to save Garfield and his friends from indictment.

Besides Mr. Robson there was another key Government attorney in the 1959 United Dye investigation: Leopold Glas, who actually presented the case to the grand jury which failed to indict the Garfield group at first.

Mr. Glass appeared as a witness in the United Dye trial three years later. Looking at the 25,000-page record of the trial, with the benefit of hindsight, there is some fascinating information in it concerning Mr. Glass.

It reveals that in 1957, two years before he presented the United Dye case to the grand jury, Mr. Glass had represented, as an attorney in private practice, two men involved in the United Dye fraud. Both were boiler room operators who helped distribute United Dye stock to an unwary public at inflated prices, utilizing high-pressure telephone sales campaigns. Neither of them was indicted by the 1959 grand jury which listened to evidence presented by their former attorney.

A Lawyer Is Warned

The record also shows that in the chambers of Judge William Herlands, out of earshot of the jury, a lawyer who was about to question Mr. Glass was warned by the judge not to attempt "to show the witness is involved or may be involved in the commission of criminal acts involving bribery or obstruction of justice." The judge also cautioned the lawyer about attempting to show that while Mr. Glass "was an assistant U.S. attorney he may have done

something which constitutes a crime." No charges have been filed against Mr. Glass.

Beyond charging that Messrs. Cohn and Gottesman themselves lied to the grand jury, the Government claims they attempted to "influence, intimidate and impede" no less than 12 other grand jury witnesses.

These dozen witnesses include four of Mr. Cohn's law partners, his accountants and several of his Las Vegas acquaintances. Thomas Bolan, Mr. Cohn's law partner and his co-promoter of the Patterson-Liston fights, is one of those the Government claims Mr. Cohn tried to "influence." Mr. Bolan has been representing Mr. Cohn in pre-trial proceedings and will be one of his lawyers when the trial opens Monday. There is no suggestion by the Government that Mr. Bolan did anything wrong as a witness before the grand jury.

The Government takes a different view toward another of Mr. Cohn's former associates in the boxing business. William Fugary, who promoted two of the Patterson-Johansson fights with Mr. Cohn, is alleged to have given false testimony to the grand jury.

The Government's Story

The Government's story is that Mr. Cohn "corruptly intimidated" Mr. Fugary in New York and Los Angeles and on airplanes traveling between the two cities, causing Mr. Fugary to testify untruthfully. He also persuaded Mr. Fugary to threaten Garfield and Roen in an effort to get them to lie to the grand jury, according to the Government.

Specifically, the prosecution claims that Mr. Cohn dispatched Mr. Fugary to Detroit in June 1962 to speak to Garfield. Mr. Cohn denied doing so to the grand jury, but the Government claims he lied. As the Government sees it, Mr. Fugary also testified falsely about his Detroit meeting with Garfield. Mr. Fugary told the grand jurors that at the Detroit conference Garfield denied "ever paying money to defendant Cohn in connection with a bribe" when, in truth, Garfield had made no such denial, according to the Government.

Mr. Cohn himself testified falsely concerning money he received from Garfield. The Government alleges: "A, when he denied getting money from Garfield in September 1959 and second, when he said he did receive a legal fee of \$10,000—in cash—from Garfield in 1961. The Government claims Mr. Cohn received no money from Garfield in 1961.

Mr. Cohn also is alleged to have lied concerning his relationship with another Las Vegas character—Moe Dalitz, a friend and former business associate of Mr. Cohn's. Mr. Cohn testified he had not asked anyone to get in touch with Dalitz in June 1962 while Dalitz was touring in Europe. The truth, according to the Government, is that Mr. Cohn had Mr. Fugary send a message to Dalitz "requesting that the said Moe B. Dalitz return immediately to New York, N.Y."

Fails to Elaborate

The Government fails to say just why Mr. Cohn might have been anxious to get Dalitz back in the country. But it does suggest he wanted Dalitz informed about what Garfield had told the grand jury.

Dalitz would have been in good position to talk to Garfield in Mr. Cohn's behalf. Dalitz and Garfield attended school together in Detroit long ago, are life-long friends and have been fellow investors in Las Vegas properties. Dalitz would have been in an even better position to intercede with Roen in Mr. Cohn's behalf. Dalitz is a top figure among the group of gamblers who financed the building of the Desert Inn and then moved in to run it. Roen works for Dalitz at the Desert Inn and is a protege of both Garfield and Dalitz.

All in all, Moe Dalitz has had a colorful career. Spread across the pages of the Kefauver crime hearings of a decade ago is testimony about his free-wheeling operations during Prohibition when he was a bootlegger and leader of Cleveland's Mayfield Road gang.

When Dalitz got together the money needed to complete the Desert Inn so that it could open in 1950, he brought in with him on the deal a group of his Cleveland pals. Among them were Morris Kleinman, Lou Rothkopf and Sam Tucker. These three along with Dalitz own a 40% interest in the Desert Inn gambling casino.

Some Unkind Words

In 1951, Alvin Sutton, then Cleveland's director of Public Safety, had some unkind words to say about Dalitz, Kleinman, Rothkopf and Tucker. In testimony before the Kefauver hearings he said:

"Out of the Prohibition period came city-wide and regional and even interstate gang organizations. Rival gangs fought for supremacy. Murder became a standard tool for all the gangs. At the top of Cleveland's bootleggers were Morris Kleinman, Lou Rothkopf, Moe Dalitz, Sam Tucker and Maxie Diamond. They were at the helm of the board of directors. They had their suppliers of Canadian whisky, and their salesmen and thugs to distribute contraband and reap the harvest of money."

It seems evident, the trial of Roy Cohn will delineate in detail his various Las Vegas connections. Example: The Government claims that Mr. Cohn utilized another Desert Inn figure to threaten a grand jury witness. The indictment accuses him of "procuring one Eli Boyer to communicate threats to the said Allard Roen." Mr. Boyer is auditor for the Desert Inn and a friend and former business associate of Mr. Cohn's. At one time Mr. Cohn invested \$75,000 in a partnership which put up a private hospital in Las Vegas. Among the partners in the project were Messrs. Dalitz, Roen and Boyer. Mr. Cohn has sold out his interest.

Defense Not Fully Clear

What kind of a defense will Roy Cohn offer? It is much more difficult to fathom than the Government case because the defense, as is true in most cases, has not had to file documents giving any real clues as to its side of the story. Given Mr. Cohn's quick mind and assertive temperament, however, it is clear he'll offer a keen and spirited defense. It is considered certain he'll take the stand in his own behalf.

It is also possible to make some guesses as to the kind of attack the Cohn defense will mount on the Government's key witnesses. It seems clear the Government will lean heavily on Garfield as a witness. It seems equally clear the defense will challenge Garfield's reliability as a truthful witness. It will be at pains to bring out his admitted guilt in the United Dye stock fraud and the fact he still awaits sentencing in that case.

Another important Government witness could be Mr. Fugazy. Here again, it is likely the defense will seek to attack his credibility. They could well attempt to show that the

once close friendship between Mr. Cohn and Mr. Fugazy has gone sour recently. In addition the defense could point to the Government's own claim that Mr. Fugazy lied to the grand jury.

Mr. Walpin, however, is a resourceful, energetic prosecutor who brought the United Dye trial to a successful conclusion from the Government's view. He succeeded in getting 9 guilty pleas, one no-contest plea and a guilty verdict from the jury on the four individuals who did not plead guilty. And one of Mr. Walpin's chief witnesses in that case—and one the jury apparently believed—was Alexander Guterma, who was testifying while serving a prison sentence.

Cohn's at Old Stand As He Goes on Trial

By NORMA ABRAMS 24

Roy M. Cohn, 37, aid to the late Sen. Joe McCarthy and onetime federal prosecutor, yesterday went on trial with a second lawyer on charges of perjury and conspiracy to obstruct justice. The courtroom in the Federal Building in Foley Square was the same in which he had prosecuted many a defendant.

A sleek, dark-haired man, Cohn listened sharply and made frequent notations on a yellow, lined legal pad as a jury of 10 men and two women, and four alternates, all men, was selected before Judge Archie O. Dawson.

Involved in Firm's Deals

Cohn's co-defendant, Murray E. Gottesman, 56, was similarly alert.

Charges against the pair stemmed from dealing in the stock of the United Dye and Chemical Co., a vehicle controlled by swindler Alexander L. Guterman.

In 1959, the government said, Cohn and Gottesman successfully kept Samuel S. Garfield, Irving Pasternak, Allard Roen and Allen K. Swann from being indicted by a federal grand jury in a \$5 million stock fraud involving United Dye and Chemical.

In 1961, the four were indicted and pleaded guilty to charges.

Called in 1959 Probe

An investigation of the 1959 proceedings found Cohn and Gottesman called as witnesses before a grand jury. The two, the indictment returned on Sept. 4, 1963, maintained, lied to the grand jurors.

Cohn, of 1165 Park Ave., with law offices at 598, Madison Ave., could on conviction be sentenced to 40 years in prison and \$36,000 in fines. Gottesman, of 70 E. 10th St., with offices at 217 Broadway, could on conviction be sentenced to 15 years in prison and \$14,000 in fines.

Refuses to Comment

On arrival at the court house with his counsel, Frank G. Raichle of Buffalo, Cohn confronted many newsmen he had known in happier days as an assistant U. S. attorney.

Asked for comment, Cohn said:

"Everything we have to say will be said in court."

Earlier, he had claimed that he was indicted on trumped-up charges because of the personal animosity of U. S. Attorney General Robert Kennedy—an assertion vigorously denied by Kennedy and other officials.

Outlines U. S. Case

Assistant U. S. Attorney Gerald Walpin, who conducted the government's case in the United Dye and Chemical scandal, made his opening in late afternoon.

Outlining the government's case, he said he would prove that Cohn lied to a grand jury and tried to thwart it by getting witnesses to change their testimony. Raichle will make his opening to the jury this morning.

In a surprise development late yesterday, Cohn's counsel obtained consent of the court to take a deposition from Bernard Baruch, the 94-year-old financier, as a character witness for Cohn.

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It's Cohn Vs. Prosecutor

By Milton Lewis
Of The Herald Tribune Staff

Conn. Seeks Interest Conflict Bar

Sitting in the same court in which he had prosecuted Communists, spies and dope peddlers, Roy M. Cohn blanched yesterday on hearing himself called a perjurer and an obstructor of justice.

Mr. Cohn, now 37, was known as a boy wonder when he was 22 and an Assistant U. S. Attorney. He looked especially unhappy when Gerald Walpin, an Assistant U. S. Attorney who is all of 32 and now holding forth at Mr. Cohn's old stand, told a jury of ten men and two women in Federal Court:

"That Mr. Cohn entered into a conspiracy with a since admitted stock swindler to pay \$50,000 if Mr. Cohn could keep the swindler and three fellow crooks from getting indicted.

"That Mr. Cohn's co-defendant, at Mr. Cohn's suggestion, got in touch in 1959 with Morton Robson, the then chief Assistant U. S. Attorney, to discuss 'the subject matter' of saving the four swindlers from being indicted.

\$5 Million Swindle
The four were not named then. But in 1961 another grand jury clipped them on a \$5 million United Dye and Chemical Corp. stock swindle. All pleaded guilty. Three of them are expected to testify against Mr. Cohn and his co-defendant, 56-year-old Murray E. Gottesman, also a lawyer.

Mr. Robson, who is now in private law practice and whose name was mentioned several times by Mr. Walpin, was reached last night and told of the prosecutor's opening comment to the panel—picked yesterday in 80 minutes, after the deft questioning by Judge Archie O. Dawson.

Mr. Robson said: "Nothing improper was done by me or anybody else in the U. S. Attorney's office to my knowledge. And nothing, to my knowledge, has been charged against me or anybody else in the U. S. Attorney's office.

"At this point, I don't think it is proper to comment on the case since it is on trial and anything I say could be prejudicial to the interests of either the government or the defendants."

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 The Evening Star _____
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 The New Leader _____
 The Wall Street Journal _____
 The National Observer _____
 People's World _____
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Under structure of the court not to discuss the case—which he had previously called a “vendetta” against him by Attorney General Robert F. Kennedy and U. S. Attorney Robert M. Morgenthau—Mr. Cohn quipped before jury selection started:

“It’s very hard for me not to smile, but I’m not supposed to.”

He played a most active part in helping his two trial lawyers, Frank G. Raichle and Thomas A. Bolan, in approving jurors, plus four alternates, all men. The trial is expected to last from four to eight weeks.

In his 65-minute outline, Mr. Walpin kept pointing at Mr. Cohn—every time he accused him of perjury before the grand jury. Mr. Cohn glared back at the prosecutor.

Mr. Walpin detailed a series of alleged machinations by Mr. Cohn to prevail upon at least two of the four confessed stock swindlers to alter their testimony before the grand jury which indicated Mr. Cohn and Mr. Gottesman, Henry K. Chapman represents

Mr. Gottesman.

Mr. Cohn made a special weekend trip to California and caused the head of the Desert Inn in Las Vegas to fly back from Europe to New York—all to get witnesses to give false grand jury testimony, according to prosecutor Walpin.

Mr. Cohn also committed perjury, Mr. Walpin alleged, when he testified that it was in 1961 that he received \$10,000 in cash from Samuel Garfield, one of the four who had no desire to be indicted for stock swindling. The prosecutor quoted Mr. Cohn as saying that he picked up the \$10,000 merely as acting as counsel for Garfield and then recommending Mr. Gottesman to be Garfield’s lawyer.

There was no payment to Mr. Cohn by Garfield in 1961. But there definitely was one in 1959—after Garfield and his three fellow swindlers boat being named in the indictment—according to Mr. Walpin. He also recited alleged Cohn threats against witnesses in their Las Vegas gambling ventures.

At the close of the court

day, Judge Dawson granted the defense the right to take a deposition from Bernard Baruch, on behalf of Mr. Cohn, regarding the latter’s good character. The 94-year-old adviser to Presidents and Mr. Cohn have been fellow bridge players.

The defense will make opening statements this morning and then testimony will begin. In concluding his remarks yesterday, prosecutor Walpin, possibly mindful of the “vendetta” countercharges previously made by Mr. Cohn, said:

“The government asks you to decide this case on proof, not personalities.”

Mr. Walpin was also aware that several prospective jurors had made it plain that they were prejudiced against Mr. Cohn because of his behavior as chief counsel to the late Sen. Joseph R. McCarthy

when the Senator headed the Senate Investigations Committee. It seems that none of the jurors had seen “Point of Order,” the newsreel picture clips dealing with those McCarthy hearings.

“It’s a lousy picture,” Mr. Cohn said before jury selection started.



DEFENDANTS—Roy Cohn (left) who told reporters, "It's very hard for me not to smile, but I'm not supposed to," as his trial began. His co-defendant, Murray E. Gottesman, was in a smiling mood at the luncheon recess.

Herald Tribune photo by NAT FEIN

Tolson ☒
 Belmont ☒
 Mohr ☒
 Casper ☒
 Callahan ☒
 Conrad ☒
 DeLoach ☒
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 Rosen ☒
 Sullivan ☒
 Tavel ☒
 Trotter ☒
 Tele Room ☒
 Holmes ☒
 Gandy ☒

TRIAL OF ATTORNEY OPENS

New Court Role for Roy Cohn

By MEL JUFFE

Browning, the wrinkles furrowing his forehead, Roy Cohn listened worriedly.

Anybody would worry.

It could mean 40 years in jail if the panel of 12 strangers believes the tale of conspiracy, ominous threats and perjury that the Federal prosecutor was spinning.

Mr. Cohn's lawyer will have a chance to reply today.

PROSECUTOR'S DAY

But yesterday the prosecutor did all the talking, accusing Mr. Cohn of charging four stock manipulators \$50,000 in 1959 for saving them from federal grand jury indictments.

At times the government case seemed interwoven with nightmare fantasy — Mr. Cohn's dim memories of

hotel-room meetings long ago with men whose faces he's forgotten; the government claim that the meetings never took place at all.

Tanned, elegantly tailored in a gray suit, Mr. Cohn would sometimes switch from the frown to a look of sudden annoyance. Then he'd make a note on his yellow, lined pad.

At other times, he'd smile at a government accusation and whisper to his lawyer,

reminiscent of his confident manner when he was the young chief aide a decade ago to the late Sen. Joseph R. McCarthy.

But Mr. Cohn, now 37 and a defendant instead of prosecutor, just wrinkled his forehead as U.S. Atty. Gerald Walpin contended that Mr. Cohn—along with his co-defendant, Murray E. Gottesman, 56—actually avoided indictments for Irving Pasternak, Allard Roen, Samuel S. Garfield and Allen E. Swann in a \$5 million stock fraud involving United Dye and Chemical Co., when it was in the hands of swindler Alexander L. Guterman.

STUDIES JURY

Mr. Cohn studied the jury of 10 men and two women (and four male alternates) that had been impaneled minutes before Mr. Walpin began outlining the charges.

They were the citizens who, under the questioning of Judge Archie O. Dawson, denied any preconceived prej-

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 The Washington Daily News _____
 The Evening Star _____
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 New York Post _____
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 The Worker _____
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 The National Observer _____
 People's World _____
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According to the government's case against Mr. Cohn, after the quartet of stock manipulators was finally indicted in 1961 and pleaded guilty, Cohn and Gottesman lied to grand jurors investigating the 1959 proceedings. Indictments were returned against the pair of witnesses on Sept. 4, 1963.

Mr. Walpin charged that after the four stock manipulators pleaded guilty, and began co-operating with the government, Mr. Cohn contacted them through mutual friends and threatened "to get even."

All these allegations of threats and conspiracy to cause others to perjure their testimony were denied before the grand jury by Mr. Cohn.

The still-young Manhattan lawyer, who lives at 1165 Park ave. and whose offices are at 598 Madison ave., is normally talkative and gregarious.

But he was guarding his words yesterday.

Cohn's Testimony About Deal to 'Get Him' Told at Trial

By NORMA ABRAMS

In his lengthy appearance before a federal grand jury looking into a \$5 million stock swindle, attorney Roy M. Cohn testified he was told that the government was out to get him and had offered a deal for leniency to the swindlers if they would help nail Cohn.

That testimony was read yesterday before Federal Judge Archie O. Dawson at the trial of Cohn and attorney Murray E. Gottesman on conspiracy and perjury charges.

Cohn told the grand jury, the transcript showed, that Samuel S. Garfield—one of four men who have pleaded guilty to the stock swindle—had a breakfast meeting with Cohn two years ago.

Mentions a "Trade"

"He," said Cohn of Garfield, "said the people working on the case, the people in the Justice Department, the people in the U. S. attorney's office, and a special fellow named Shaffer they



Roy M. Cohn

sent up from Washington, were out to get me."

Along with Garfield, those involved in the swindle were Irving Pasternak, Ellard Roen and Allan K. Swann.

"Did he say what was arranged?" Cohn was asked before the grand jury.

"He said," replied Cohn, "apparently it was to trade me for Roen."

U.S. Attorney Acts Fast

Cohn also testified before the grand jury that Garfield said that William G. Mulligan, a "very good friend" of U.S. Attorney Robert M. Morgenthau, was "working out a deal for Roen particularly."

Assistant U.S. Attorney Gerald Walpin, prosecuting the current trial, moved fast to puncture the Mulligan-Morgenthau tie.

He put into evidence a document showing that Garfield had retained Mulligan as counsel on Nov. 17, 1960. Then Walpin asked the court to take judicial notice that Morgenthau did not take office as U.S. attorney until April 18, 1961.

Other of Cohn's grand jury testimony read into the trial record told of other meetings of Garfield with Cohn.

Cohn said Garfield reported that a deal had been worked out through which Garfield would get a light sentence and Roen would get off entirely. But that deal, Cohn said Garfield told him, was being blocked by the Securities and Exchange Commission.

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What Roy Cohn Told Grand Jury

By Milton Lewis

Of The Herald Tribune Staff

Roy Cohn lowered his eyes yesterday on hearing his own counsel describe him as "this fine young man, this distinguished lawyer."

But he opened his blue eyes wide and looked imploringly toward the jury in Federal Court when his counsel, later in his opening remarks, contended the government made a deal with confessed stock swindlers to get Mr. Cohn by using their perjured testimony. The alleged deal: they would be treated gently on sentencing for turning on Mr. Cohn, bitter enemy of Attorney General Robert F. Kennedy.

Mr. Cohn is accused of perjury and conspiracy to obstruct justice. In an effort to prove this, the prosecution put another Cohn on the stand—Donald J. Cohn, 34, an Assistant U. S. Attorney, no kin of 37-year-old Roy Cohn, former Assistant U. S. Attorney. Donald Cohn, 1950 Princeton center and line-backer, read answers that Roy Cohn gave to the grand jury which indicted him.

They showed that he parried numerous questions put to him, and that he testified he collected \$10,000 "in cash" from one of the admitted swindlers involved in the \$5 million United Dye and Chemical Corp. stock fraud. Roy Cohn insisted he collected that cash in 1961, for various legal services. But the government says he got money from the swindler—oil man and gambler Samuel S. Garfield—in 1959.

disparity in dates is most important. It was in 1959 that Garfield and three others avoided being indicted—and that's what led to the indictment of Mr. Cohn and his co-defendant, lawyer Murray E. Gottesman, by a grand jury which wanted to know why that quartet were not cited in 1959. The four wound up getting indicted the following year. They subsequently pleaded guilty.

Defendant Cohn smiled wryly when the chief prosecutor in the trial, Gerald Walpin, quoted himself as telling Mr. Cohn in the grand jury room:

"Whatever is testified to in here is completely secret, Mr. Cohn."

About a score of students from Columbia Law School, from which Mr. Cohn graduated, helped pack the first-floor court room. It became so warm that several spectators were soon asleep, an infraction of Federal regulations.

NO RECORD

Mr. Cohn told the grand jury that he never made a written record of the \$10,000 cash payment, and that he did not put it into his law firm, Saxe, Bacon & O'Shea, because Garfield had been his client before he (Cohn) joined the concern. He also told the grand jury, he brought more business than anybody else.

"I'm by far the largest business producer," he recounted. "I produce about 85 per cent of the firm's business. I'm completely fair salary-wise and fee-wise."

Seemingly buttressing the opening remarks of Frank G. Raichle, Mr. Cohn's counsel, Mr. Cohn testified before the grand jury that he had been advised by William D. Fugazy, a Cohn business associate, client and friend, that Garfield, the swindler, had told Mr. Fugazy:

"There were certain people in the government who'd do anything to get me (Cohn)

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... that he (Garfield) ... as well as others had been subjected to tremendous pressure ... to say things about me (Cohn) ... and that there were certain people in government who said that all they wanted was me and they would work a deal with anybody who'd give them me."

On that score, Mr. Raichle,

noted wryly that although Garfield and two of his admitted co-swindlers had pleaded guilty two years ago, they still are to be sentenced. The fourth is under a 2½-year term, but he has not been ordered to surrender.

"If they (the three) don't sing the right tune, their sentence may be severe," Mr.

Raichle maintained before a jury of ten men and two women presided over by Judge Archie O. Dawson. "I believe there has never been another instance where two years have gone by between a plea of guilty and a sentence."

"Ask yourselves: Why? Why?" Mr. Raichle pleaded with the panel.

Grand Jury's Minutes Add Zest to Cohn Trial

By NORMA ABRAMS ²⁶

The Federal Court perjury and conspiracy trial of lawyers Roy M. Cohn and Murray Gottesman was enlivened yesterday by reading of the minutes of grand jury testimony by Gottesman concerning a meeting which the government contends never took place.

Gottesman said that the meeting was held in the Hotel Plaza back in 1959 after he had been retained as attorney by Samuel S. Garfield, a Las Vegas gambler, and Allen K. Swann, also an attorney. Also present was Cohn, who had recommended that Garfield and Swann hire Gottesman.

Only Met Once, He Said

According to Gottesman's testimony, given to a grand jury a year ago, that meeting was the only time he ever met Garfield and Swann. The only result of it, he said, was that he went to Morton S. Robson, then chief assistant U. S. attorney, and suggested that Swann be allowed to testify before a grand jury.

He said he learned later that Swann did testify. This was the 1959 grand jury which failed to indict Swann, Garfield, Ellard Roen and Irving Pasternak in the \$5 million United Dye and Chemical stock fraud. They were indicted two years later and pleaded guilty. They are still awaiting sentencing.

The prosecution later put an FBI man, Martin F. Maher, on the stand, in an attempt to show that Gottesman met Garfield under different circumstances,

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Cosa Nostra Thug Cohn's Golfing Pal

By Milton Lewis

Of The World Tribune Staff

Roy M. Cohn testified that he was a golfing companion of Jerry Catena, who has been called Vito Genovese's "underboss" in the Cosa Nostra.

Mr. Cohn's April, 1963, grand-jury testimony—considered significant by the government—was read yesterday at his Federal Court trial on perjury-conspiracy charges. According to the true bill, Mr. Cohn, "by threats," attempted to "influence, intimidate and impede" witnesses before the grand jury that indicted him.

Mr. Cohn told the panel that besides golfing with Catena—"once a year at his club and once a year at my club"—he had also met another gangster and graduate of Murder, Inc., Meyer Lansky, on a few occasions.

But, Mr. Cohn insisted, he never had any business dealings with "Mr. Lansky" and he certainly did not ask "Mr. Catena" to do anything about the grand jury investigation.

Mr. Cohn explained that Catena was president of "Runyan Sales," which he described as a huge vending-machine company on the East Coast, and that Catena wanted the vending-machine concession in "the Lionel Plant in Hillside, N. J." It did not come out whether Catena got it or not. Mr. Cohn formerly was connected with Lionel Corp.

Mr. Cohn conceded it was possible we talked about Samuel S. Garfield or William D. Fugazy, saying there "was some discussion about Mr. Fugazy . . . but not about Mr. Fugazy's grand-jury testimony." Catena, according to Joe Valachi last fall before the McClellan Senate Rackets Committee, was Vito Genovese's "underboss" in the Genovese family and was running the store while Genovese served 15 years in Leavenworth Penitentiary for pushing dope internationally.

Both Garfield and Mr. Fugazy, a friend and business associate of Mr. Cohn's, are to be called as prosecution witnesses against Mr. Cohn. Garfield, in oil and Las Vegas gambling ventures, pleaded guilty with three other manipulators in 1962 to being part of a \$5 million swindle involving United Dye & Chemical Corp. stock.

Mr. Cohn, who was counsel to the Senate Investigating Committee when it was headed by the late Sen. Joseph R. McCarthy, and his co-defendant, lawyer Murray E.

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Gottesman, are accused of conspiracy to obstruct justice in allegedly fixing it so that Garfield and his three fellow crooks would not be indicted in 1959. The four men were not indicted then. But their luck ran out in 1960—and they were indicted.

The grand-jury minutes completed, FBI agent Martin F. Maher took the stand. He testified that on May 9, 1961, Mr. Gottesman told him that in 1959 he (Gottesman) advised then chief assistant U. S. Attorney Morton S. Robson that he felt

the government ~~did not have~~ a good stock-swindling case against a certain individual, believed to be Garfield.

Later in 1959, the agent quoted Mr. Gottesman as saying, Mr. Robson called back to say that the individual had not been indicted. In his opening to the jury on Monday, prosecutor Walpin said Mr. Gottesman, at Mr. Cohn's direction, got in touch in 1959 with Mr. Robson to discuss "the subject matter" of saving Garfield and the three other swindlers from being indicted.

Cohn Seeking Help Of Bernard Baruch

By TED POSTON and IRVING LIEBERMAN

Roy M. Cohn, erstwhile boy wonder in the world of finance, today asks help from a noted financier. Cohn is seeking to escape conviction on a perjury-conspiracy indictment growing out of the \$5,000,000 United Dye and Chemical Corp. stock fraud case.

With the federal court trial in recess over the Good Friday and Passover holidays, Cohn's attorney, Frank Raichle, takes a deposition from Bernard Baruch as a character witness for the former chief counsel of the McCarthy Senate investigating subcommittee.

Baruch's statement, which will be witnessed by the prosecution, will be read later to the jury of 10 men and two women hearing the case before Judge Dawson.

Cohn and attorney Murray E. Gottesman are being tried on charges of perjury and of attempting to get other witnesses to lie to a 1962 federal grand jury which was looking into their alleged activities in connection with a 1959 federal investigation of the United Dye stock frauds.

Four Pleaded Guilty Later

Asst. U.S. Atty Walpin has charged that Cohn and Gottesman played a part in the failure of the 1959 jury to indict four admitted stock swindlers—Samuel S. Garfield, Allen Roon, Irving Pasternak and Allen K. Swan—in the United Dye case. All were indicted later by subsequent grand juries, however, and entered guilty pleas to stock fraud charges.

Before yesterday's recess, Walpin spent three days reading into the trial record both Cohn's and Gottesman's testimony before the March, 1962, grand jury which indicted them.

Cohn's testimony revealed that he had accepted an unrecorded \$10,000 in cash from Garfield, and that he and his law associates had maintained a four-year association with the oil promoter despite Cohn's disclaimer that he ever had been Garfield's lawyer in the United Dye case.

Gang Associations

Cohn had also admitted that Garfield had introduced him to gambler-racketeer Meyer Lansky on several occasions, and that he, Cohn, had been a golfing and dinner companion on occasions of Jerry Catena, the New Jersey racketeer who, underworld informer Joe Valachi said, succeeded imprisoned Vito Genovese as head of the Cosa Nostra crime syndicate.

Late yesterday Walpin called the government's first substantive witness to challenge some of the testimony which Gottesman had given before the March, 1962, grand jury.

Gottesman had testified that he had been the lawyer for Garfield and Swan in 1959, although he said that neither had signed a retainer for his services, and that he never had submitted a bill to either.

Made Plea for Swan

Gottesman said he went to see then Chief U. S. Asst. Atty. Mark Robson in 1959 to tell him that Swan was a lawyer whose career might be ruined if he was unfairly indicted in the United Dye case.

Walpin produced Gottesman's 1959 office diary which made no mention of Cohn, his law associates, Robson, Garfield or Swan, and then called FBI agent Martin F. Maher, who told the trial jury that Gottesman mentioned none of those names when he questioned him about his activities in the United Dye case.

May 9, 1961.

He said Gottesman told him "an individual" had come to him for legal services and that he had gone to ask Robson to look into the case "so that no one would be indicted by error."

Maher's FBI partner, James Blasingame, is expected to follow him to the witness stand Monday.

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(COHN)
 NEW YORK--ATTORNEY ROY M. COHN RECEIVED ONE-THIRD OF \$50,000 TO KEEP A DENVER OILMAN FROM BEING INDICTED IN THE UNITED DYE AND CHEMICAL CORP. STOCK FRAUD CASE, A WITNESS TESTIFIED IN FEDERAL COURT TODAY.

SAMUEL S. GARFIELD, THE WITNESS, IS A DEFENDANT WHO PLEADED GUILTY OF ONE OF 50 COUNTS OF AN INDICTMENT CHARGING THE SALE OF UNREGISTERED UNITED DYE STOCK. COHN AND MURRAY E. GOTTESMAN, ALSO AN ATTORNEY, ALSO WERE CHARGED IN THE INDICTMENT WITH PERJURY, CONSPIRACY, AND OBSTRUCTION OF JUSTICE.

ALTHOUGH GARFIELD PLEADED TWO YEARS AGO, HE HAS NOT YET BEEN SENTENCED.

GARFIELD WAS ASKED ABOUT A MEETING WITH COHN IN JUNE, 1959. THE WITNESS SAID COHN TOLD HIM HE HAD "CHECKED INTO THE UNITED DYE MATTER FOR ME AND I DIDN'T THINK IT WAS MUCH OF A PROBLEM."

ASSISTANT U.S. ATTORNEY GERALD WOLPIN ASKED GARFIELD IF HE EVER HAD PAID THE FEE TO COHN. GARFIELD TESTIFIED THAT HE HAD, ABOUT THE MIDDLE OF SEPTEMBER, 1959, WHEN HE SAID HE MET COHN IN LAS VEGAS.

"I GAVE HIM ONE-THIRD OF \$50,000," HE SAID.

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Payoff Charge Drops Bomb at Cohn Trial

By NORMA ABRAMS and SIDNEY KLINE

Soft-spoken, baldheaded Samuel S. Garfield, admitted stock swindler and one time friend of attorney Roy Cohn, testified yesterday that he, Garfield arranged for a better than \$33,000 payment to Chief Assistant U.S. Attorney Morton S. Robson at a time when Cohn was attempting to keep Garfield and three associates from being indicted.

Earlier, Garfield said he gave Cohn about \$16,600 as the "balance" of \$50,000 which Cohn said would be required to head off the indictment.

The testimony, before Federal Judge Archie O. Dawson and a jury, created a sensation. Cohn and Murray E. Gottesman, also an attorney, are on trial before Dawson charged with perjury and conspiracy in testimony they gave in 1963 to a federal grand jury.

Probed Failure to Indict

That grand jury sought to find out why Garfield and his partner, Irving Pasternak, attorney Allen K. Swahn, and Allard Roen, managing director of two hotels in Las Vegas, escaped indictment in 1959 in the \$5 million United Dye and Chemical Corp. stock fraud.

The four were indicted in 1961. All have since pleaded guilty. None has been sentenced.

Garfield took the stand yesterday as a prosecution witness.



Morton S. Robson
 In spotlight at trial

Tells of Talk With Cohn

In June, 1959, he said, he talked with Cohn. Cohn promised to look into the United Dye and Chemical investigation. Later that month, Garfield said, he met with Cohn and Cohn said, "It wasn't going to be too much of a problem."

He asked what he thought it would cost," Garfield told the court. "He told me it would be approximately \$50,000, but if we were indicted it would not cost anything. I said it would be all right."

The witness said he met Cohn

in Las Vegas in September, 1959, and gave him one third of the \$50,000, "the balance of the \$50,000 that was due."

"How about the other two-thirds?" asked Judge Dawson.

"The issues of this indictment are narrower," interrupted Gerald Walpin, chief prosecutor. "The government is trying to keep the issues and facts..."

"All right," said the judge, "go ahead."

Garfield said that when the

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indictment against him was returned in 1961, Cohn phoned to say he was sorry and would arrange for counsel.

"I Wasn't Worried"

Garfield said he had subsequent meetings with Cohn, when Cohn was under investigation, and in one of them Cohn mentioned names—those of Jerry Catena, a New Jersey mobster, and gambler Meyer Lansky, among others — which Garfield interpreted as a threat to himself if he didn't go along with Cohn.

"I wasn't worried," said Garfield. "They were more friends of mine than they were of his."

Under cross-examination, Cohn's counsel, Frank Raichle, brought Robson's name into the trial.

The Other Two-Thirds

"To whom was the other two-thirds of the \$50,000 paid in 1959?" demanded Raichle.

"I phoned Roen to get the two-thirds for someone who was coming to Las Vegas to get it," said Garfield.

"Who was it?"

"It was Morton Robson. I told him (Roen) the man would be Robson and would be able to identify himself. I didn't know Robson. I wouldn't know him if he walked into this room."

"Did Cohn tell you it would be Robson?"

"I didn't get it out of the air."

"Haven't you heard that Robson has never been in Las Vegas?"

"Yes, I've heard it," Garfield said without elaboration.

~~The trial will continue today.~~

(Mount Clipping in Space Below)

COHN IS ACCUSED OF BRIBERY DEAL

Court Told He and Former
U.S. Aide Split \$50,000
in Stock Fraud Case

By HOMER BIGART

The Government's star witness against Roy M. Cohn testified yesterday that he had split \$50,000 between Mr. Cohn and a former chief assistant United States attorney to escape indictment in a 1959 stock fraud case.

The witness, Samuel S. Garfield, testified in Federal Court that he handed \$16,666 to Mr. Cohn in the lobby of the Desert Inn at Las Vegas, Nev., in September, 1959.

He said he had arranged with an associate to pay the other two-thirds of the \$50,000 to Morton S. Robson, former chief assistant Federal attorney, in August of that year. He said that Mr. Cohn had dictated the Robson payment and that he had never met the former official.

Spectators Strain to Hear

Garfield, a confessed stock swindler, spoke so quietly that spectators, mesmerized by the taut courtroom scene, strained to catch every word.

Garfield said he had arranged to have Mr. Robson paid in Las Vegas by Allard Roen, the manager of the Desert Inn.

According to Garfield's story, the payoff was to enable Garfield, Roen, Irving Pasternak, an oil promoter, and Allen K. Swann, their attorney, to have their names left off the 1959 indictment in the \$5 million United Dye and Chemical Corporation stock fraud case.

The four were not named in 1959, but they were subsequently indicted in 1960 and

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Editor: TURNER CATLEDGE
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1961. All four pleaded guilty in 1962.

Mr. Robson, who has not been charged by the Government, told reporters last night that he would appear as a defense witness. He was subpoenaed last week.

Mr. Robson branded the Garfield testimony "a vicious lie."

"I have never in my life been to Las Vegas, nor have I ever met, seen or spoken to Garfield or Roen, the man who is supposed to have paid me the money," he said.

"The record should also be clear, once and for all, that the four individuals who were not indicted in 1959, including Garfield and Roen, were under continuous investigation by my office for almost two years thereafter while I was chief assistant United States attorney and United States attorney.

"They were indicted in November, 1960, while I was still chief assistant, and the investigation continued while I was United States attorney.

"It was this investigation which provided the basis for the indictment obtained in July, 1961, by the United States attorney's office under Mr. Morgenthau.

"At my request I voluntarily appeared before the grand jury and testified fully with respect to the matter, and I am prepared to testify under oath at any time if I am called as a witness."

Succeeded by Morgenthau

Mr. Robson, a Republican, served as interim head of the office of the Southern District of New York from Feb. 1, 1961, to April 15, 1961, when he was succeeded by Robert M. Morgenthau, a Democrat.

The Government had not wanted to involve Mr. Robson in this trial. The 10-point indictment against Mr. Cohn does not allege bribery, but perjury and conspiracy to obstruct justice.

During his direct examination of Garfield, Gerald Walpin, chief of the special prosecutions division, tried to head off any discussion of what happened to the two-thirds of the payoff that was not allegedly given to Mr. Cohn.

When Garfield told of paying Mr. Cohn "one third of the \$50,000—the balance that was due," Federal Judge Archie O. Dawson broke in: "How about the other two-thirds?"

Mr. Walpin started to explain that "the issues of this indictment are narrower . . . the Government is trying to keep the issues and facts . . ."

"All right, go ahead," Judge Dawson said without waiting to hear all of it. The mystery endured for another hour.

Then under cross-examination, Garfield was obliged to describe the alleged arrangements for paying Mr. Robson. "I called Cohn and asked who his fellow is that's going to pick up two-thirds of the \$50,000," Garfield testified. "He gave me the name Robson."

Frank Raichle, attorney for Mr. Cohn, snorted in disbelief. But Garfield persisted: "I sure didn't get the name out of the air."

Phone Call Described

Garfield said he had instructed Roen by telephone from New York to draw the money at the cashier's cage in the Desert Inn and give it to Mr. Robson on Aug. 23.

"I have a lot of credit out there," explained the short, bald witness.

On the evening of Aug. 23, Garfield said, Roen reported by telephone that he had paid the money to Mr. Robson.

"Haven't you subsequently learned that Robson was never in Las Vegas?" thundered Mr. Raichle.

"I heard it," replied Garfield with a shrug.

The Government's case against Mr. Cohn, a lawyer and businessman, rests heavily on Garfield and Roen. They have never been sentenced, although, as Mr. Cohn's counsel drily noted, they pleaded guilty two years ago.

The defense sought to knock down Garfield's testimony by implying that he made a deal with the Government to win leniency.

The defense also tried to discredit Garfield by recalling that he was also under indictment in another stock fraud case and that he had once pleaded guilty to misdemeanor charges of running a gambling house in Evansville, Ind.

Garfield, who identified himself as an oil promoter, had seemed soft spoken and even rather timid under cross-examination. Judge Dawson had to ask him to speak into a microphone. But he bore up well enough under the opening blast of Mr. Raichle's cross-examination, which will continue today.

Threat Alleged

At the outset of direct examination, Garfield said flatly that he had never met Murray E. Gottesman, an attorney and co-defendant in the trial.

There was a dramatic confrontation when Gottesman, who is tall and thin, strode to within a few feet of the witness box and glared at Garfield. The witness insisted that "I don't think I ever saw him before."

Mr. Gottesman had claimed that he met Garfield, along with Mr. Cohn and Swann, at a meeting in New York in 1959, after Mr. Cohn had arranged for him to represent Garfield. Mr. Gottesman told the grand jury that indicted him last year that he had met with Mr. Robson, but only to arrange for Swann's appearance before a 1959 grand jury.

The Government contends that both Mr. Cohn and Mr. Gottesman lied about the meeting with Garfield. It further contends that Mr. Cohn threatened Garfield and Roen when he learned that they were testifying against him in front of the grand jury.

Garfield testified yesterday

that Cohn had tried to intimidate him by mentioning the names of persons "who could only mean a threat as far as [Cohn] was concerned."

The names were those of "some mutual friends," identified by Garfield as Meyer Lansky, a gambler; Jerry Catena, who had been identified by the Senate rackets committee as a leader of the Cosa Nostra, and Moe Dalitz, owner of the Desert Inn.

Garfield said he had known Cohn since 1957 or 1958. They were partners in a Las Vegas hospital venture. He said that in June, 1959, he heard "rumors" of a pending stock fraud indictment and asked Cohn to "find out about it."

"I asked what he thought it would cost," Garfield testified. "He told me it would be approximately \$50,000 but if we were indicted it would not cost anything."

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2d Prosecutor Linked To Alleged Cohn Plot

NEW YORK, April 1 (AP).—The Government's star witness in the trial of Roy M. Cohn on perjury and conspiracy charges has testified that a second Federal prosecutor was in on the alleged scheme to save four men from indictment in a 1959 stock fraud case.

The witness, Samuel S. Garfield, also testified yesterday he arranged—but did not carry out—a \$100,000 payoff to the late Senator George H. Bender, Republican of Ohio. He said he planned for Mr. Bender to try to quash the Government's investigation of the \$5 million stock fraud.

Garfield was one of the four men involved in the fraud. All four were indicted and all pleaded guilty.

Garfield told the United States District Court jury that Leonard Glass, who in 1959 was an assistant United States at-

torney here handling the stock fraud investigation, "told me he thought he'd be able to help us (Garfield and friends) out of the indictment." But Mr. Glass never got a penny of payoff money, Garfield said.

\$50,000 Split Charged

On Monday, Garfield testified that Mr. Cohn, a former aide of the late Senator Joseph R. McCarthy, Republican of Wisconsin, and former Chief Assistant United States Attorney Morton S. Robson split a \$50,000 payoff to keep the four men out of the indictment.

Mr. Robson, now in private practice, has denied doing anything improper. No charges have been filed against him. He says he has been subpoenaed as a defense witness in the Cohn trial.

Mr. Glass, who was Mr. Robson's subordinate during the 1959 stock fraud inquiry, was

not immediately available for comment.

Mr. Cohn, 37, and another New York attorney, Murray E. Gottesman, 57, have not been charged with bribery. They are on trial together accused of lying to a grand jury about the alleged \$50,000 payoff and other matters relating to the United Dye & Chemical Corp. stock fraud.

The conspiracy counts against them charge that they attempted to obstruct justice in the fraud case.

1959 Inaction Probed

The grand jury that indicted them last year was trying to find out why Garfield and his three associates were not indicted in 1959 for their parts in the fraud.

Garfield, his partner, Irving Pasternak of Denver, Colo.; their attorney, Allen K. Swann

of Evansville, Ind., and Allard Roen, a Las Vegas hotel manager, were indicted the following year. They pleaded guilty in 1962. All are awaiting sentencing except Pasternak, who has yet to start serving his 2½-year prison term.

The defense in the Cohn trial contends the four men made a deal with the Government to lie about Mr. Cohn in exchange for leniency.

\$100,000 Not Paid

Alexander Guterman, financier and convicted swindler, testified in the 1962 case that Garfield raised \$100,000 for Mr. Bender to quash the investigation. Mr. Bender was special assistant to the Secretary of the Interior in

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the Eisenhower administration at the time.

Garfield, under cross-examination by Mr. Cohn's lawyer, Frank Raichle of Buffalo, yesterday said Mr. Bander had asked for details of the case and had indicated "he thought he could find some attorneys for me in Washington that could handle that case."

"Was the \$100,000 paid?" Mr. Raichle asked.

"No," said Garfield.

"What part of it was paid?"

Mr. Raichle inquired.

"None," Garfield said.

In his earlier testimony, Garfield said he paid \$16,666 to Mr. Cohn in the lobby of the Desert Inn in Las Vegas in September, 1959. He testified he had arranged with Mr. Roen, the Desert Inn manager, to pay the rest of the reported \$50,000 to Mr. Robson.

Mr. Robson told newsmen he never had been in Las Vegas and never had met Garfield or Mr. Roen.

Late Senator Is Named at Cohn's Trial

By Robert Evans

NEW YORK, March 31 (UPI) — A Denver oil man, testifying at the perjury-obstruction of justice trial of attorney Roy Cohn, said today that he had planned a \$100,000 payment to the late Sen. George H. Bender (R-Ohio) to help him in his legal troubles.

The witness, Samuel S. Garfield, who pleaded guilty in a multimillion-dollar stock fraud case, also testified that an assistant U.S. Attorney visited him in a New York hotel while the U.S. Attorney's office was investigating his activities.

Garfield said that he and the others involved in a stock fraud case involving the sale of unregistered United Dye and Chemical Corp. stock had agreed that Bender would "get \$100,000." But, he added, that the money never was paid to Bender.

Garfield identified the Assistant U.S. Attorney who visited him as Leonard Glass, who now has a private law practice but who at the time of the purported visit was conducting the United Dye investigation along with a Federal grand jury.

Under questioning by Frank G. Raichle, attorney for Cohn, Garfield denied that he had offered a bribe to Glass.

He said the \$100,000 planned payment to Bender was to get an attorney for himself and others involved in the United Dye case. They were identified as Alexander L. Guterman, Irving Pasternak, Allen K. Swann, Virgil Dardi and Allard Roen.

Asked whether the money was ever paid to Bender, Garfield said, "No."

Eight men and four corporate firms went to trial in the United Dye case.

All but four pleaded guilty. The others were convicted. Garfield, Roen, Swann and Pasternak were among those who pleaded guilty to one count of a 50-count indictment charging stock fraud. They still are awaiting sentence.

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The Washington Daily News ☐
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New York Journal-American ☐
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Cohn Trial Figure Accuses 2d Official

By HOMER BIGART

Samuel S. Garfield, confessed swindler and a chief Government witness against Roy M. Cohn, implicated a second Federal prosecutor yesterday in the alleged plot to save Garfield and three others from indictment in a 1959 stock fraud case.

The witness testified that Leonard Glass, then an Assistant United States Attorney here, had called at his hotel suite and offered to cooperate in the alleged conspiracy.

On Monday Garfield swore that he had arranged to transfer part of a \$50,000 payoff to Morton S. Robson, former Chief Assistant United States Attor-

ney. Mr. Robson has denied this vehemently.

Garfield said yesterday that Mr. Glass, who handled the investigation of the United Dye and Chemical Corporation stock-fraud case in 1959, visited his Hotel Pierre rooms in August of that year. The United States Attorney's office was investigating Garfield at the time.

The witness said that Glass was somewhat worried over the reaction of his superiors but that he promised cooperation in efforts to save Garfield and the three others from indictment in the \$5 million swindle.

Garfield said that Mr. Glass had been taken to his suite by a friend, Sidney Barkley, whom Mr. Glass had defended unsuccessfully in a 1957 stock fraud case in Detroit.

The witness testified that Mr. Glass "sat down and told me he thought he'd be able to keep us out of the indictment but he had to have something to hang his hat on with his superiors."

Under further cross-examination by Mr. Cohn's defense counsel, Frank Raichle, Garfield said that Mr. Glass assured him that the plan would "go along all right if we could find some way of getting testimony to the grand jury pertaining to the group we wanted kept out of the indictment."

"I told him I could give him some help," Garfield testified.

Not Indicted in 1959

It was subsequently arranged, he said, that Allen K. Swann, a Midwestern lawyer and a friend of Garfield's, would appear before the grand jury. Swann himself was under investigation in the same fraud case, along with two other friends of Garfield — Irving Pasternak, oil promoter, and Allard Roen, manager of the Desert Inn in Las Vegas, Nev.

The 1959 grand jury failed to indict Garfield and his friends, but they were indicted in 1960 and 1961 and pleaded guilty soon after their trial started in 1962.

The Government charges that Mr. Cohn, aide to the late Senator Joseph R. McCarthy, and Murray E. Gottesman, a co-defendant, were involved in the intricate conspiracy. Mr. Cohn, according to the Government, lied before the grand jury last year and persuaded other witnesses to lie.

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1 NEW YORK TIMES

Date: 4/1/64
Edition: LATE CITY
Author: HOMER BIGART
Editor: TURNER CATLED
Title: MORTON ROESON
FORMER AUSA SDNY;
ROY COHN UNDER INVE
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Garfield, a squat, bald, soft-spoken witness who described himself as an "oil promoter," had testified Monday that he split a \$50,000 payment between Mr. Cohn and Mr. Robson, former Chief Assistant United States Attorney for the Southern District of New York. This payment, he said, was to enable him to escape indictment. Garfield denied yesterday that he had offered a bribe to Mr. Glass, a subordinate of Mr. Robson in 1959.

Bribe to Bender Denied

Another alleged payoff, a reported \$100,000 bribe to the late Senator George H. Bender, Republican of Ohio, was also denied by Garfield.

Garfield admitted that he had planned a \$100,000 payment to Senator Bender to try to quash the stock-fraud investigation, but he said that the payment was never made.

This payoff story was first aired during the 1962 United Dye trial. Assistant United States Attorney Gerald Walpin charged that the conspirators had bribed Senator Bender in hopes of squelching the Securities and Exchange Commission investigation of United Dye. Former Senator Bender had appeared before the 1961 grand jury that investigated the swindle. He died of a heart attack a few days later.

Garfield was a cool witness, unflustered even when Mr. Raichle taunted him as a swindler and perjurer.

"Would you lie now to escape the consequences of conviction?" asked Mr. Raichle.

"No, sir," said Garfield.

"When did you reform?" asked Mr. Cohn's counsel.

"I'm not an angel," Garfield said. "I was brought up in a gutter. But I made my own way honestly, and I paid my bills. And I'm not ruthless."

Garfield was followed on the stand by Mr. Swann, a tall, lean, lantern-jawed lawyer. He refuted grand jury testimony by Mr. Cohn and Mr. Gottesman about a hotel meeting that the Government charges never took place.

Mr. Swann, supporting Monday's testimony by Garfield, denied that he had ever met Mr. Gottesman.

He also denied that he had ever met Mr. Cohn.

Cohn Trial Told of Probe Tampering

By Milton Lewis
Herald Tribune News Service

NEW YORK, April 1—Leonard Glass, as a Federal prosecutor in 1959, fed top-secret grand jury questions in advance to a stock swindler through an ex-convict, the latter testified Wednesday.

The ex-convict, Sidney Barkley, was a witness in Federal Court at the trial of Roy M. Cohn, indicted for perjury and conspiracy to obstruct justice in the case handled by Glass.

The 42-year-old Barkley also conceded, while under examination by the defense, that when he pleaded guilty in 1957 in Detroit to a separate case of manipulating securities his lawyer was Glass, now in private practice in Manhattan.

Glass was an Assistant U.S. Attorney from February, 1959, to January, 1960. Attempts to reach him have been to no avail since the first damaging testimony against him was elicited on Tuesday. There are no formal charges against him.

Barkley said that Glass gave him "some questions" that Glass was going to ask in the grand jury investigation of Allen K. Swann, a Michigan lawyer involved in the \$5 million United Dye & Chemical Corp. stock swindle. He said the questions were written in Glass's own hand.

The witness swore that he took the questions up to Swann, who was in the Hotel Pierre suite of a fellow United Dye swindler, Samuel S. Garfield.

At another point, Barkley conceded under defense examination that he "got questions from Glass and coached Swann."

The upshot: The grand jury voted no indictments against Swann, Garfield or any of the others who saw those questions. But in 1960 and again in 1961, Barkley, Swann, Garfield and two others who were in on the fix were indicted—and they pleaded guilty in 1962.

Under direct examination by an Assistant U.S. Attorney, Barkley testified that he saw Cohn in the Garfield Pierre suite twice at the time the grand jury was meeting in regard to the United Dye Case in 1959.

"On both occasions that I was present, He (Cohn) and Mr. Garfield went into another room," testified Barkley.

Yesterday, it was testified that Glass went to see Garfield in his hotel suite and told Garfield he "thought he'd be able" to keep him and his fellow stock swindlers out of the indictment.

One of his superiors was then Chief Assistant U.S. Attorney Morton S. Robson, who, according to Garfield, received two-thirds of a \$50,000 payoff to keep Garfield and his pals from being indicted. The other one-third, Garfield swore, went to Cohn.

There are no formal charges against Robson, who has denied accepting any money from anybody.

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Fugazy: I Lied for Cohn

By Milton Lewis
Of The Herald Tribune Staff

A witness testified yesterday that Roy M. Cohn—by counseling him "how to answer"—duped him into committing perjury before a grand jury.

But William D. Fugazy, head of a travel agency, then recalled that he duped his former good friend and business associate, Mr. Cohn, as his lawyer and conferred with Edward Bennett Williams, who sent him rushing back into that grand jury room to purge himself by telling the whole truth.

Mr. Fugazy, who blurted out on cross-examination that he thinks Mr. Cohn is innocent of "bribery," which is not the charge in the case, was on the stand all day at the Federal Court trial of Mr. Cohn. The latter is under indictment for perjury and conspiracy to obstruct justice by threatening and/or inducing various persons, including



William D. Fugazy
"Mr. Cohn told me to..."

Mr. Fugazy, to exculpate Mr. Cohn by giving trumped-up grand-jury testimony.

"I told Mr. Williams that I answered the questions in accordance with Mr. Cohn's advice," Mr. Fugazy, looking at the trial jury of 10 men and two women trying Mr.

Cohn, remembered. "Mr. Williams said to me, 'This means you haven't given the truth. You could be brought up for perjury.' Mr. Williams was shocked that I believed what I answered was proper because I had testified to what Mr. Cohn had told me to."

On cross-examination, Frank G. Raichle, Mr. Cohn's chief counsel, suddenly dropped a line of questioning concerning an affidavit—and the question of a certain "someone" holding onto that affidavit. It left the matter up in the air.

After Mr. Cohn and another lawyer, Murray E. Gottesman, were indicted last September, Mr. Fugazy testified, Thomas A. Bolan, one of Mr. Cohn's law associates, came to him with an affidavit to sign. This writ, the witness quoted Mr. Bolan as saying, would contain the "truth" and would help to clear Mr. Cohn. Mr. Fugazy, as Mr. Bolan watched him from the defense table in court, testified:

"Mr. Bolan said I ought to sign it because should anything happen to me my grand-jury testimony would be read at the trial and Mr. Cohn had no way of getting that grand-jury testimony in advance. I am sorry to say that Mr. Bolan misled me. My lawyer (Mr. Williams) told me that should anything happen to me before the Cohn trial my grand-jury testimony would be inadmissible."

On advice of Mr. Williams, the witness related, he refused to sign it. Mr. Fugazy quoted Mr. Bolan as having told him:

"Mr. Bolan said for me to sign it and he would give it to someone to hold if I became deceased or met an accident. But I didn't sign. Who is that 'someone'?"

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Earlier, under questioning by Assistant U. S. Attorney Gerald Walpin, Mr. Fugazy testified that Mr. Cohn in 1962 to go see two confessed swindlers in the \$5 million United Dye & Chemical Corp. stock fraud, Samuel S. Garfield and Allard Roen, the latter the general manager of the Desert Inn, Las Vegas, Nev.

At that time, the grand jury was investigating Mr. Cohn and his lawyer co-defendant, Mr. Gottesman, to check if they conspired to save Mr. Garfield, Mr. Roen and others from indictment in 1959 in that stock swindle. There has been testimony that there was a \$50,000 payoff in 1959 — two-thirds to then chief Assistant U. S. Attorney Morton S. Robson and one-third to Mr. Cohn. Mr. Cohn told him, Mr. Fugazy testified, to tell both Garfield and Roen that they had retained Mr. Gottesman

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